THE

Statutes at Large,

FROM

MAGNA CHARTA

To the END of the

Eleventh Parliament of GREAT BRITAIN,

Anno 1761.

CONTINUED.

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Reader of the Law Lecture to that Honourable Society.

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CUM PRI 'ILEGIO.

A

TABLE

OF THE

STATUTES

PUBLICK and PRIVATE,

Paſſed *Anno vicesimo quinto*

GEORGII III. *Regis.*

Being the Second Seſſion of the Sixteenth Parliament of *Great Britain.*

PUBLICK ACTS.

1. FOR confining, for a limited time, the trade between the ports of the United States of *America*, and his eſty's ſubjects in the iſland of *Newfoundland*, to bread, flour, ive ſtock, to be imported in none but *Britiſh*-built ſhips, ly belonging to *Britiſh* ſubjects, and navigated according , clearing out from the ports of his Majeſty's *European* do- ns, and furniſhed with a licence according to the form nto annexed.

Cap. 2. For continuing and granting to his Majeſty certain ties upon malt, mum, cyder, and perry, for the ſervice of e year one thouſand ſeven hundred and eighty-five.

Cap. 3. For the regulation of his Majeſty's marine forces le on ſhore.

Cap. 4. For granting an aid to his Majeſty by a land tax, to raiſed in *Great Britain*, for the ſervice of the year one thou- d ſeven hundred and eighty-five.

Cap. 5. For further continuing, for a limited time, an act de in the twenty-third year of the reign of his preſent Ma- y, intituled, *An act for preventing certain inſtruments from*

A TABLE of the STATUTES

being required from ſhips belonging to the United States of rica; *and to give to his Majeſty, for a limited time, certain for the better carrying on trade and commerce between the of his Majeſty's dominions, and the inhabitants of the ſaid States*; and for continuing, for a limited time, an act m the twenty-fourth year of the reign of his preſent Majeſty tuled, *An act to extend the powers of an act, made in the t third year of his preſent Majeſty, for giving his Majeſty powers for the better carrying on trade and commerce betwe ſubjects of his Majeſty's dominions, and the inhabitants of the States of* America, *to the trade and commerce of this kingdon the* Britiſh *colonies and plantations in* America, *with reſpect tain articles therein mentioned.*

Cap. 6. For puniſhing mutiny and deſertion; and f better payment of the army and their quarters.

Cap. 7. For the more eaſy and ſpeedy recovery of debts, within the town and port of *Faverſham*, the hundr *Faverſham* and *Boughton*, and the ſeveral pariſhes of *Oſ Seaſalter*, and *Whitſtable*, in the county of *Kent*.

Cap. 8. For defraying the charge of the militia in tha of *Great Britain* called *England* for one year, beginnir twenty-fifth day of *March*, one thouſand ſeven hundre eighty-five.

Cap. 9. For paving, cleanſing, and lighting *The High* and other places within the town of *Huntingdon*, and for r ing and preventing nuiſances and annoyances therein.

Cap. 10. For building a new gaol, a penitentiary houſ certain new houſes of correction, for the county of *Glo* and for regulating the ſame.

Cap. 11. For raiſing a certain ſum of money by loans chequer bills, for the ſervice of the year one thouſand hundred and eighty-five.

Cap. 12. For raiſing a further ſum of money by loans chequer bills, for the ſervice of the year one thouſand hundred and eighty-five.

Cap. 13. For repairing the highways, bridges, and in the county of *Perth*.

Cap. 14. For draining and preſerving certain low within the pariſh of *Timberland*, in the county of *Lincoln*.

Cap. 15. To enlarge the term and powers of ſeveral a lating to the harbour of *Liverpool*; and for making two onal docks and piers in or near the port of *Liverpool*.

Cap. 16. For taking down the preſent market houſ certain other buildings, in the town of *Uxbridge*, for th poſe of widening *The High Street*; and for paving the ways, and lighting and cleanſing the ſtreets and other within the ſaid town, and removing and preventing nu and annoyances therein; and for changing the courſe of t between *Mercer's Bridge* and *High Bridge*; and for reb the ſaid market houſe.

Cap. 17. To enable the houſe of commons to autho

ommittee, appointed to try the merits of the petition of ourable *Saint Andrew Saint John*, complaining of an un- tion for the county of *Bedford*, to proceed in caſe the t committee ſhall be reduced to a leſs number than is ed by an act, made in the tenth year of the reign of his Majeſty, intituled, *An act to regulate the trials of contro- ections, or returns of members to ſerve in parliament.*

18. To impower the juſtices of oyer and terminer and ivery of *Newgate* for the county of *Middleſex*, to con- hold a ſeſſion of gaol delivery of *Newgate*, begun to be before the eſſoign day of term, and ſitting of the king's t *Weſtminſter*, notwithſtanding the happening of ſuch day, or the ſitting of the ſaid court of king's bench at *ſter*, or elſewhere, in the ſaid county of *Middleſex*.

19. For appointing commiſſioners to enquire into the atuities, perquiſites, and emoluments, which are, or en lately, received in the ſeveral publick offices therein ned; to examine into any abuſes which may exiſt in the and to report ſuch obſervations as ſhall occur to them, better conducting and managing the buſineſs tranſacted aid offices.

20. For appointing commiſſioners to put in execution of this ſeſſion of parliament, intituled *An act for granting o his Majeſty by a land tax, to be raiſed in* Great Britain, *ſervice of the year one thouſand ſeven hundred and eight-five*; r with thoſe named in three former acts for appointing ſſioners of the land tax, and with thoſe named in the act of the twenty-third year of his Majeſty's reign, and and tax act of this ſeſſion of parliament.

21. To render more effectual ſeveral acts of parlia- for *erecting hoſpitals and workhouſes, within the city and the city of* Exon, *for the better employing and maintaining there*; and to raiſe further ſums of money for the better g the purpoſes of the ſaid acts into execution.

22. For repealing ſo much of an act made in the laſt of parliament as relates to the diſtillation of corn ſpirits ſtills, in certain counties or diſtricts of the highlands in rt of *Great Britain* called *Scotland*; and for authoriſing miſſioners of exciſe in *Scotland* to grant licences, to per- ing in the ſaid counties or diſtricts, to diſtil ſpirits from beer, or big, the growth of the ſaid counties; and for g a duty on ſuch licences.

23. For better paving, cleanſing, lighting, and watch- ſtreets, lanes, yards, courts, alleys, and paſſages, within rt of the pariſh of *Saint Mary Magdalen, Bermondſey*, in nty of *Surrey*, called *The Water-ſide Diviſion*, and for re- and preventing nuiſances and annoyances therein; and ting and watching certain parts of and belonging to the e road leading from the eaſt end of *New Street*, in *South- Deptford*, in the county of *Kent*, within the ſaid *Water- iſion* of the ſaid pariſh, therein mentioned.

Cap. 24. To repeal ſo much of an act made in the la of parliament, as impoſes duties on all ſtuffs made o and linen mixed, and ſtuffs wholly made of cotton wo in *Great Britain*, not being printed, painted, or ſtain on licences for bleaching or dying the ſame.

Cap. 25. For allowing further time for the import goods, the produce or manufacture of the iſland of *Tob* on payment of the *Britiſh* plantation duties.

Cap. 26. For the better preſervation and improvemen river *Wear*, and port and haven of *Sunderland*, in the palatine of *Durham*.

Cap. 27. For the better relief and employment of t within the hundreds of *Tunſtead* and *Happing*, in the co *Norfolk*.

Cap. 28. For opening an eaſy and commodious co cation from the *High Street* of *Edinburgh*, to the countr ward; and alſo from the *Lawn Market* to the new-e royalty on the north, and for enabling truſtees to p lands, houſes, and areas, for that purpoſe; for widen enlarging the ſtreets of the ſaid city, and certain avenues to the ſame; for rebuilding or improving the univerſity; larging the publick markets, and communications there regulating certain taxes; for lighting the ſaid city; for ing an additional ſupply of water; for extending the ro the ſaid city; and for levying an additional ſum of m ſtatute labour in the middle diſtrict of the county of *Ed*

Cap. 29. To explain, amend, and render more effec act paſſed in the twenty-third year of his preſent Majeſty intituled, *An act for authoriſing the treaſurer of the navy the garriſon and naval department at* Gibraltar, *the like bo deſtroying certain* Spaniſh *ſhips of war, as is allowed to th and men on board any of his Majeſty's ſhips of war taking or ing ſhips of war belonging to the enemy.*

Cap. 30. For granting to his Majeſty certain duties o within *Great Britain*.

Cap. 31. For better regulating the office of the tre his Majeſty's navy.

Cap. 32. For granting annuities to ſatisfy certain na tualling, and tranſport bills, and ordnance debentures.

Cap. 33. For raiſing a further ſum of money, by quer bills, for the ſervice of the year one thouſand ſev dred and eighty-five.

Cap. 34. For better paving, cleanſing, repairing, l and watching the highways, ſtreets, and lanes, of an vill of *Ramſgate*, in the county of *Kent*; and for remov preventing annoyances therein; and for erecting a houſe, and holding a publick market in the ſaid vill.

Cap. 35. For the more eaſy and effectual ſale of la nements, and hereditaments of crown debtors, or of th ties.

Cap. 36. For building a new bridge over the haven

; and for enlarging the term, and altering ſome of the of an act of the twelfth year of his preſent Majeſty, *for deepthening, repairing, maintaining, and improving, the nd piers of* Great Yarmouth; *and for deepthening and ore navigable the ſeveral rivers emptying themſelves into the en; and for preſerving ſhips wintering therein from acci- fire.*

37. For rebuilding the bridge acroſs the river of *Ayr*, own of *Ayr*.

38. For veſting in *Edward Bancroft*, doctor in phyſick, utors, adminiſtrators, and aſſigns, the ſole property of ntion or diſcovery of the uſe and application of certain les for dying, ſtaining, printing and painting certain e colours, throughout that part of his Majeſty's kingdom t *Britain* called *England*, the dominion of *Wales*, and *Berwick upon Tweed*, for a limited time.

39. For the better preſerving and maintaining the piers bour of *Cromarty* in *North Britain*.

40. For more effectually preventing frauds and abuſes tted by perſons employed in the manufactures of comb- ol, worſted yarn, and goods made from worſted, in the s of *Bedford*, *Huntingdon*, *Northampton*, *Leiceſter*, *Rut-* nd *Lincoln*, and the *Iſle of Ely*.

41. To repeal part of an act, paſſed in the ſixth year of ſent Majeſty, *for the relief and employment of the poor of the of* Richmond, *in the county of* Surrey, *and other purpoſes aid act mentioned*; and for making new proviſions for the nd employment of the poor, for the repairs of the high- he paving, cleanſing, lighting, and watching the ſtreets, her places, in the town and pariſh of *Richmond* aforeſaid; removal and prevention of annoyances, obſtructions, croachments therein; for incloſing certain commons or ands within the ſaid pariſh, for the uſe of the poor; and ble the veſtrymen of the ſaid pariſh to erect a workhouſe ; and to purchaſe land for a burial ground; and alſo le his Majeſty to ſhut up a lane within the ſaid pariſh, *Love Lane*.

42. For veſting in *Archibald* earl of *Dundonald*, his exe- adminiſtrators, and aſſigns, the ſole uſe and property of od of extracting or making tar, pitch, eſſential oils, vo- lkali, mineral acids, ſalts, and cinders, from pit coal, hout his Majeſty's dominions, for a limited time.

43. To repeal the duties on male ſervants; and for g new duties on male and female ſervants.

44. For regulating inſurances on ſhips, and on goods, andizes, or effects.

45. For reducing the time for the impriſonment of deb- mmitted to priſon, upon proſecutions in courts of con- , in *London*, *Middleſex*, and the borough of *Southwark*, ſame periods in each court; and for aboliſhing fees paid ſe debtors to gaolers, or others, on account of ſuch im- ment.

Cap. 46. For the more effectual tranſportation of felons, and other offenders, in that part of *Great Britain* called *Scotland*, and to authoriſe the removal of priſoners in certain caſes.

Cap. 47. For transferring the receipt and management of certain duties therein mentioned from the commiſſioners of exciſe, and the commiſſioners of ſtamps reſpectively, to the commiſſioners for the affairs of taxes; and alſo for making further proviſions in reſpect to the ſaid duties ſo transferred.

Cap. 48. For granting to his Majeſty certain ſtamp-duties on licences to be taken out by perſons uſing or exerciſing the trade or buſineſs of a pawnbroker.

Cap. 49. For granting to his Majeſty certain duties upon licences to be taken out by coachmakers; and alſo certain duties upon carriages to be built for ſale.

Cap. 50. For repealing an act, made in the twenty-fourth year of the reign of his preſent Majeſty, intituled, *An act for granting to his Majeſty certain duties on certificates iſſued with reſpect to the killing of game*; and for granting other duties in lieu thereof.

Cap. 51. For repealing the duties on licences taken out by perſons letting horſes for the purpoſe of travelling poſt, and on horſes let to hire for travelling poſt, and by time, and on ſtage coaches; and for granting other duties in lieu thereof; and alſo additional duties on horſes let to hire for travelling poſt, and by time.

Cap. 52. For better examining and auditing the publick accounts of this kingdom.

Cap. 53. For ſettling an annuity of nine thouſand pounds on his royal highneſs the duke of *Glouceſter*, in lieu of the like annuity payable out of the duties of four and one half *per centum* in *Barbadoes* and the *Leeward Iſlands*.

Cap. 54. For better ſecuring the duties upon coals, culm, and cinders.

Cap. 55. For granting to his Majeſty certain duties on licences to be taken out by perſons vending gloves or mittens; and alſo certain duties on gloves and mittens ſold by retail.

Cap. 56. For more effectually preventing deceits and frauds in the manufacturing of cordage for ſhipping, and to prevent the illicit importation of foreign-made cordage.

Cap. 57. To exempt carriages, carrying the mail, from paying tolls at any turnpike gate in *Great Britain*.

Cap. 58. For the encouragement of the pilchard fiſhery, by allowing a farther bounty upon pilchards taken, cured, and exported.

Cap. 59. For granting to his Majeſty a certain ſum of money, to be raiſed by a lottery.

Cap. 60. For granting to his Majeſty a certain ſum of money out of the ſinking fund; and for applying certain monies therein mentioned for the ſervice of the year one thouſand ſeven hundred and eighty-five; and for further appropriating the ſupplies granted in this ſeſſion of parliament; and for providing

viding a compenſation to the clerks in the offices of the principal ſecretaries of ſtate, for the advantages ſuch clerks enjoyed before the commencement of an act, made in the twenty-fourth year of the reign of his preſent Majeſty, *for eſtabliſhing certain regulations concerning the portage and conveyance of letters and packets by the poſt, between* Great Britain *and* Ireland.

Cap. 61. To authoriſe the lord ſteward of the houſehold, the lord chamberlain, the maſter of the horſe, the maſter of the robes, and the lords of the treaſury, reſpectively, to pay bounties granted by his Majeſty, to perſons in low and indigent circumſtances.

Cap. 62. To prohibit, for a limited time, the exportation of hay.

Cap. 63. For reducing the allowances for waſte on ſalt and rock ſalt; for regulating the exportation of ſalt to *Jerſey*, *Guernſey*, *Alderney*, and *Sark*; for repealing the laws allowing the uſe of foul ſalt for manure only; for allowing a drawback on the exportation of *Glauber* or *Epſom* ſalts; for reſtraining fiſh curers from being dealers in ſalt; for regulating the exportation of herrings from the *Iſle of Man*; for better ſecuring the duties on ſalt; and for indemnifying perſons who have been guilty of offences againſt the laws relating to the duties on ſalt.

Cap. 64. For altering and amending an act made in the laſt ſeſſion of parliament, intituled, *An act for granting to his Majeſty certain duties on all gold and ſilver plate imported, and alſo certain duties on all gold and ſilver wrought plate made in* Great Britain.

Cap. 65. For the further encouragement of the *Britiſh* fiſheries.

Cap. 66. To explain and amend an act made in the twenty-fourth year of the reign of his preſent Majeſty, intituled, *An act for granting to his Majeſty certain rates and duties upon bricks and tiles made in* Great Britain; *and for laying additional duties on bricks and tiles imported into the ſame.*

Cap. 67. To prohibit the exportation to foreign parts, of tools and utenſils made uſe of in the iron and ſteel manufactures of this kingdom; and to prevent the ſeducing of artificers or workmen, employed in thoſe manufactures, to go into parts beyond the ſeas.

Cap. 68. For appointing and enabling commiſſioners further to examine, take, and ſtate the publick accounts of the kingdom.

Cap. 69. To repeal the duties upon flaſks in which *Florence* wine and oil is imported; to permit the importation of wines in ſmall caſks for private uſe; to revive, continue, and amend ſo much of an act made in the ſixteenth year of his preſent Majeſty, as allows the exportation of certain quantities of wheat, and other articles, to his Majeſty's ſugar colonies in *America*; for diſallowing the drawback on the exportation of ſnuff; for continuing the permiſſion to land rum or ſpirits of the *Britiſh* ſugar plantations, before payment of the duties of exciſe; for

reviving and continuing the premiums upon the importation of pitch, tar, and turpentine, from *Eaſt Florida*, into *Great Britain*; for allowing a bounty upon the exportation of ſilk gauzes, and a drawback upon the exportation of raw ſilk.

Cap. 70. To rectify a miſtake in an act, paſſed in this preſent ſeſſion of parliament, intituled, *An act to repeal the duties on male ſervants; and for granting new duties on male and female ſervants.*

Cap. 71. For extending the time limited, by an act of this ſeſſion, for delivering in navy, victualling, and tranſport bills.

Cap. 72. For repealing the duties on linens to be printed, painted, ſtained, or dyed in *Great Britain*, impoſed by an act made in the laſt ſeſſion of parliament, and for granting other duties in lieu thereof; and on cotton ſtuffs, muſlins, fuſtians, velvets, and velverets, wove in *Great Britain*, to be printed, ſtained, painted, or dyed; and upon the importation of linens, cotton ſtuffs, muſlins, fuſtians, velvets, and velverets, printed, ſtained, painted, or dyed in foreign parts.

Cap. 73. To declare, that brewers ſelling beer or ale in leſs quantities than a caſk, containing four gallons and a half, ſhall not be intitled to any allowance out of the duties of exciſe for waſte or leakage; and for making allowances to diſtillers of low wines and ſpirits from malt, corn, or grain, in reſpect to the duties impoſed by an act of the laſt ſeſſion of parliament.

Cap. 74. For repealing the duty impoſed on tea by an act paſſed in the laſt ſeſſion of parliament, and for granting other duties in lieu thereof; for repealing ſo much of ſeveral acts as relates to the removal of tea; for directing the officers of exciſe to examine and certify the exportation of exciſeable commodities; and for better ſecuring the duties on candles.

Cap. 75. To extend the proviſions of an act, made in the twenty-third year of his preſent Majeſty's reign, *for granting to his Majeſty a ſtamp duty on the regiſtry of burials, marriages, births, and chriſtenings*, to the regiſtry of burials, births, and chriſtenings of proteſtant diſſenters from the church of England.

Cap. 76. For appointing commiſſioners further to enquire into the loſſes and ſervices of all ſuch perſons who have ſuffered in their rights, properties, and profeſſions, during the late unhappy diſſentions in *America*, in conſequence of their loyalty to his Majeſty, and attachment to the *Britiſh* government.

Cap. 77. To amend ſo much of an act, paſſed in the fourteenth year of the reign of his preſent Majeſty, *for the further and better regulation of buildings and party walls; and for the more effectually preventing miſchiefs by fire within the cities of* London *and* Weſtminſter, *and the liberties thereof, and other the places therein mentioned*, as relates to manufactories of turpentine; for extending the proviſions of the ſaid act, ſo amended, to manufactories of pitch, tar, and turpentine, throughout that part of *Great Britain* called *England*; and for indemnifying the proprietor of a turpentine manufactory in *Potter's Fields*, in the borough

rough of *Southwark*, againſt the penalties he may be liable to under the ſaid act; and for excepting, for a limited time, his ſaid manufactory from the proviſions herein contained.

Cap. 78. For granting to his Majeſty additional duties on hawkers, pedlars, and petty chapmen; and for regulating their trade.

Cap. 79. For repealing an act made in the twenty-third year of the reign of his preſent Majeſty, intituled, *An act for granting to his Majeſty a ſtamp-duty on licences to be taken out by certain perſons uttering or vending medicines; and certain ſtamp-duties on all medicines ſold under ſuch licences, or under the authority of his Majeſty's letters patent*; and for granting other duties in lieu thereof.

Cap. 80. For granting to his Majeſty certain duties on certificates to be taken out by ſolicitors, attornies, and others, practiſing in certain courts of juſtice in *Great Britain*; and certain other duties with reſpect to warrants, mandates, and authorities, to be entered or filed of record, as therein mentioned.

Cap. 81. For the better ſecuring the duties payable on tobacco.

Cap. 82. To indemnify ſuch perſons as have omitted to qualify themſelves for offices and employments, and to indemnify juſtices of the peace, or others, who have omitted to regiſter or deliver in their qualifications within the time limited by law, and for giving further time for thoſe purpoſes; and to indemnify members and officers in cities, corporations, and borough towns, whoſe admiſſions have been omitted to be ſtamped according to law, or having been ſtamped, have been loſt or miſlaid; and for allowing them time to provide admiſſions duly ſtamped; to give further time to ſuch perſons as have omitted to make and file affidavits of the execution of indentures of clerks to attornies and ſolicitors; and for indemnifying perſons who have acted as truſtees of turnpike roads in certain caſes, and declaring their proceedings valid.

Cap. 83. For further poſtponing the payment of the ſum of two millions, advanced by the governor and company of the bank of *England*, towards the ſupply for the ſervice of the year one thouſand ſeven hundred and eighty-one.

Cap. 84. To limit the duration of polls and ſcrutinies, and for making other regulations touching the election of members to ſerve in parliament for places within *England* and *Wales*, and for *Berwick upon Tweed*; and alſo for removing difficulties which may ariſe for want of returns being made of members to ſerve in parliament.

Cap. 85. For paving the footways in the borough of *Reading*, in the county of *Berks*; for better repairing, cleanſing, lighting, and watching the ſtreets, lanes, paſſages, and places, in the ſaid borough; and for removing incroachments, obſtructions, and annoyances therefrom, and preventing the like for the future.

Cap. 86. For better watching, lighting, and cleanſing ſuch parts of the precinct of *Saint Catharine* near the tower of *London*,

in

in the county of *Middleſex*, as are not included in the proviſions of certain acts paſſed in the ſeventh and ninth years of his preſent Majeſty's reign; and for preventing nuiſances and annoyances therein.

Cap. 87. For extending the *Dudley* canal to the *Birmingham* canal, at or near *Tipton Green*, in the county of *Stafford*.

Cap. 88. For lighting and watching the village of *Clapham*, and certain roads leading thereto, in the county of *Surrey*.

Cap. 89. For ſupplying the inhabitants of the pariſh of *Lambeth*, and parts adjacent, in the county of *Surrey* with water.

Cap. 90. For the better paving, cleanſing, and lighting, the ſtreets, lanes, ways, and paſſages, within the borough of *Arundel*, in the county of *Suſſex*; and for removing and preventing incroachments, obſtructions, and annoyances therein.

Cap. 91. For taking down the market houſe in the borough of *Bridport*, in the county of *Dorſet*, and rebuilding the ſame, together with a ſeſſion or court houſe, in a more convenient ſituation; for removing the ſhambles, or butcher row; for better paving, cleanſing, lighting, and watching the ſaid borough; for removing and preventing nuiſances and annoyances; and for prohibiting the covering of any new houſes or buildings within the ſaid borough with thatch.

Cap. 92. For draining, preſerving, and improving certain low grounds and carrs in the ſeveral pariſhes of *Saint John* in *Beverley*, and of *Skidby*, in the eaſt riding of the county of *York*.

Cap. 93. For the removal and rebuilding of the council chamber, guildhall, and gaol, of the city of *New Sarum*; and for aſcertaining the tolls of the market, and regulating the chairmen within the ſaid city.

Cap. 94. For repairing, new pewing, ſeating, and erecting galleries, and making other alterations and additions in and to the pariſh church of *Kidderminſter*, in the county of *Worceſter*.

Cap. 95. For rebuilding the pariſh church of *Chriſt Church*, otherwiſe *The Holy Trinity*, within the city of *Briſtol*; and for widening the ſtreets adjacent thereto.

Cap. 96. For amending two acts, of the eighth and ſixteenth years of his preſent Majeſty, *for opening certain paſſages, and for paving the ſtreets and other places, in the pariſh of* Saint Leonard Shoreditch, *and ſuch part of* Hog Lane *as lies within the liberty of* Norton Falgate, *in the county of* Middleſex, *and for preventing annoyances therein.*

Cap. 97. To enable the mayor and commonalty and citizens of the city of *London* to pull down the *Poultry* and *Wood-ſtreet Compters*, and to purchaſe certain ground and buildings within the ſaid city for the purpoſe of rebuilding the ſame.

Cap. 98. To enable his Majeſty to grant the inheritance of certain lands, tenements, and hereditaments, ſituate in or near *North Scotland Yard*, in the county of *Middleſex*, in exchange for the inheritance of certain buildings or barracks, and land adjoining thereto, and alſo of certain ground contiguous to *Tinmouth*

mouth Caſtle, in the county of *Northumberland*, belonging to the duke of *Northumberland*, or for ſuch further or other compenſation as ſhall be a full conſideration for the ſame; and alſo to impower the ſaid duke to make ſuch exchange.

Cap. 99. To enable the company of proprietors of the navigation from the *Trent* to *The Merſey*, and the company of proprietors of the navigation from *Birmingham* to *Fazeley*, to make a navigable canal from the ſaid *Trent* and *Merſey* navigation, on *Fradley Heath*, in the county of *Stafford*, to *Fazeley*, in the ſaid county; and for confirming certain articles of agreement entered into between the ſaid *Trent* and *Merſey*, the *Oxford*, and the *Coventry*, canal navigation companies.

Cap. 100. For amending and improving the navigation of the river *Arun*, from *Houghton Bridge*, in the pariſh of *Houghton*, in the county of *Suſſex*, to *Pallenham Wharf*, in the pariſh of *Wiſborough Green* in the ſaid county; and for continuing and extending the navigation of the ſaid river *Arun*, from the ſaid wharf called *Pallenham Wharf*, to a certain bridge, called *New Bridge*, ſituate in the pariſhes of *Pulborough* and *Wiſborough Green*, in the ſaid county of *Suſſex*.

PUBLICK ACTS not printed in this COLLECTION.

Cap. 101. For continuing the term and powers of an act, made in the fourth year of his preſent Majeſty's reign, *for repairing ſeveral roads leading from* The Buck's Head, *at* Watling Street, *to* Beckbury, *and* The New Inn, *and from the* Birches Brook *to the* Hand Poſt *in the pariſh of* Kemberton, *in the county of* Salop, *and for making the ſame more effectual.*

Cap. 102. To continue the term, and alter and enlarge the powers of an act made in the ſeventh year of his preſent Majeſty's reign, *to repair and widen the roads from* Whitchurch, *in the county of* Salop, *to the turnpike road between* Nantwich, *in the county of* Cheſter, *and* Newcaſtle-under-Lyne; *and from* Hinſtock *to* Nantwich *aforeſaid.*

Cap. 103. For continuing an act of the ſixth year of his preſent Majeſty, *for amending and widening the road from the town of* Biddenden, *in the Weald of* Kent, *through the towns of* Smarden *and* Charing, *to join the turnpike road which leads from* Aſhford *to* Faverſham, *at a place called* Bound Gate.

Cap. 104. For enlarging the term and powers of an act, made in the fourth year of the reign of King *George* the Third, intituled, *An act for amending and widening the road from* Tinſley, *in the county of* York, *to the town of* Doncaſter, *in the ſaid county.*

Cap. 105. For enlarging the term and powers of an act made in the fourth year of the reign of King *George* the Third, intituled, *An act for amending and widening the road from the ſouth end of the town of* Rotherham, *in the county of* York, *to the preſent turnpike road near* Pleaſley, *in the county of* Derby; *and alſo the road from the north end of the ſaid town of* Rotherham, *into the preſent turnpike road on the eaſt ſide of* Tankerſley Park, *in the ſaid county.*

county of York, ſo far as the ſame relates to the road leading from *Rotherham* aforeſaid to the turnpike road near *Pleaſley* aforeſaid.

Cap. 106. For reviving, continuing, and enlarging the term and powers of an act, paſſed in the third year of the reign of his preſent Majeſty, *for repairing and widening the road from a place called* Nightingales, *in the townſhip of* Heath Charnock, *to the bridge at the weſt end of the town of* Bolton in the Moors, *in the county palatine of* Lancaſter.

Cap. 107. For enlarging the term and powers of an act, paſſed in the fourth year of the reign of his preſent majeſty King *George* the Third, intituled, *An act for repairing and widening the road from* Derby *to* Mansfield, *in the county of* Nottingham, *and ſeveral other roads therein mentioned.*

Cap. 108. For continuing the term of an act, paſſed in the fourth year of the reign of his preſent Majeſty, (intituled, *An act for repairing and widening ſeveral roads leading from* Callington, *in the county of* Cornwall;) and for widening and repairing the road leading from *Buſhford*, to *Beal's Mill*, in the pariſh of *Stoke Climſland*; and alſo the road from *Penterſcroſs*, in the pariſh of *Pillaton*, to a place called *The Fighting Cocks*, in the pariſh of *Botes Fleming*, all in the ſaid county.

Cap. 109. For enlarging the term and powers of an act of the fourth year of his preſent Majeſty, *for repairing the roads from* Horſham *to the top of* Beading Hill, *and from* Steyning *to the top of* Steyning Hill, *in the county of* Suſſex.

Cap. 110. For enlarging the term and powers of an act, paſſed in the fourth year of the reign of his preſent Majeſty, *for repairing and widening the road from* Beverley *to* Kexby *bridge, in the county of* York.

Cap. 111. For enlarging the term and powers of an act, paſſed in the fourth year of the reign of his preſent Majeſty, *for repairing and widening the road from the weſt end of* Baxter Gate, *in the town of* Whitby, *to the ſouth end of* Lockton Lane, *in the pariſh of* Middleton, *in the county of* York.

Cap. 112. For continuing the term, and altering and enlarging the powers of two acts of the ſecond and ninth years of his preſent Majeſty, *for repairing and widening the roads from the* White Poſt *on* Haſelden's Wood, *in the pariſh of* Cranbrook, *to* Appledore Heath; *and from* Milkhouſe Street, *in the ſame pariſh, to* Caſtleden's Oak, *in the pariſh of* Biddenden; *and from the turnpike road in the pariſh of* Tenterden, *through* Rolvenden, *to the turnpike road in the pariſh of* Newenden, *in the county of* Kent.

Cap. 113. For enlarging the term and powers of an act paſſed in the fourth year of his preſent Majeſty's reign, *for repairing and widening the roads from* Melton Mowbray, *in the county of* Leiceſter, *to the guide poſt in* Saint Margaret's Field, Leiceſter; *and from the town of* Leiceſter *to the town of* Lutterworth, *in the ſaid county; and other roads therein mentioned.*

Cap. 114. For enlarging the term and powers of an act, made in the third year of the reign of his preſent Majeſty, *for amending*

ing and widening the roads leading from New Street *and* Pig Street, *in* Penryn, *in the county of* Cornwall, *to* Redruth, *in the ſame county.*

Cap. 115. For repairing and widening the roads leading from the gibbet or *Lutterworth Hand*, on the *Watling Street Road*, through the pariſhes of *Churchover*, *Brownſover*, *Newbold upon Avon*, *Rugby* and *Bilton*, in the county of *Warwick*, to the turnpike road between *Dunchurch* and *Hillmorton*, in the ſaid county, at or near a publick houſe known by the ſign of the *Cock*, in the ſaid pariſh of *Bilton*.

Cap. 116. For amending and keeping in repair the road leading from *Ipſwich* to *South Town*; and from the ſaid road at *Beech Lane*, in the pariſh of *Darſham*, to *Bungay* in the county of *Suffolk*.

Cap. 117. For more effectually repairing the roads leading from *The Stones End* in *Blackman Street*, in the borough of *Southwark*, in the county of *Surrey*, to *Highgate*, in the county of *Suſſex*, and to *Sutton* and *Kingſton*; and from *Vauxhall Bridge*, through *Stockwell*, to *Brixton Cauſeway*; and from *Newington* to the eaſt end of *Peckham Lane*; and from *Camberwell Green* to *The Fox under the Hill*, in the county of *Surrey*; and for repealing ſo much of ſeveral acts, now in force, as relates to the ſaid roads; and for repairing the road from *Highgate* aforeſaid, to *Witcheroſs*, in the county of *Suſſex*.

Cap. 118. For continuing the term, and altering and enlarging the powers, of an act, made in the eighth year of his preſent Majeſty, *for amending and widening ſeveral roads leading from the town of* Biſhop's Caſtle, *and from* Montgomery *to the turnpike road at* Weſtbury, *and from* Brockton *to the turnpike road at* Minſterley, *in the ſeveral counties of* Salop, Radnor, *and* Montgomery; and for amending, widening, and keeping in repair, ſeveral other roads in the counties of *Salop* and *Montgomery*.

Cap. 119. For continuing the term, and altering and enlarging the powers, of an act of the fourth year of his preſent Majeſty, *for repairing and widening ſeveral roads leading from the town of* Bideford, *in the county of* Devon.

Cap. 120. For enlarging the term and powers of an act made in the fourth year of the reign of his preſent Majeſty, *for repairing and widening the road from* Scott's Dyke, *in the county of* Dumfries, *by or through the villages of* Langholm, *and* Hawick, *to* Haremoſs *in the county of* Roxburgh.

Cap. 121. For enlarging the term and powers of an act made in the fourth year of the reign of his preſent Majeſty, intituled, *An act for widening and repairing the road leading from* Aſhborne, *in the county of* Derby, *over* Belpar Bridge, *to the preſent turnpike road from* Sheffield *and* Cheſterfield *to* Derby, *at or near a place called* Openwood Gate, *and from* Belpar Bridge *to* Ripley, *in the county of* Derby.

Cap. 122. For enlarging the term and powers of an act, made in the fourth year of his preſent Majeſty's reign, intituled, *An*

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act for amending, widening, and keeping in repair, ſeveral roads leading from the town of Cardiff, *and ſeveral other towns and places, in the county of* Glamorgan;) and for making, altering, repairing, and widening, certain other roads within the ſaid county.

Cap. 123. To enlarge the term and powers of an act paſſed in the fourth year of his preſent Majeſty's reign, *for repairing and widening the roads from the high bridge in* Spalding, *to a certain place called* Tydd Goat, *in the county of* Lincoln; *and from* Sutton Saint Mary's *to* Sutton Waſh, *in the ſaid county.*

Cap. 124. For amending and keeping in repair, the road from *Whitechapel Church*, in the county of *Middleſex*, to *Shenfield*, and the furthermoſt part of the pariſh of *Woodford*, towards *Epping*; and from the cauſeway, in the pariſh of *Low Layton*, to the end of the ſaid pariſh of *Woodford*, next *Chigwell*, and through the pariſhes of *Chigwell* and *Lambourn*, in the county of *Eſſex*; and for lighting and watching the ſaid road from *Whitechapel Church* to the four mile ſtones in the *Rumford* and *Woodford* roads.

Cap. 125. For amending the roads from a place called *Piff's Elm*, in the *Tewkeſbury* turnpike road, through *Cheltenham*, to *Elſton Church*, and from thence to *Coombend Beeches*, in the road from *Cirenceſter* to *Glouceſter*; and from the market houſe in *Cheltenham* to the *Burford* turnpike road at a place called *Pewſdon Aſh*; and from *Cheltenham* to the road from *Glouceſter* to *London*, at or near a houſe called *Kilkenney*; and from the direction poſt in *Stanbridge Field*, through *Birdlip*, to join the road from *Glouceſter* to *Bath*, at or near *Painſwick*, and at a houſe called *The Harrow*, all in the county of *Glouceſter*.

Cap. 126. For enlarging the term and powers of an act, made in the fourth year of the reign of his preſent Majeſty, *for repairing and widening the roads from the end of* Stanbridge Lane, *near a barn, in the pariſh of* Romſey, *to the turnpike road at* Middle Wallop; *and from the turnpike road between* Stanbridge Lane *aforeſaid, and* Great Bridge, *to the turnpike road at* Stockbridge; *and from the garden of* Henry Hattat *at* Awbridge, *to the garden wall of* Denys Rolle *eſquire, at* Eaſt Tuderley; *and from* Lockerley *mill ſtream to* Eaſt Dean *gate; and from the ſaid garden wall to the turnpike road leading from* Stockbridge *aforeſaid, in the county of* Southampton, *to* Saliſbury.

Cap. 127. To enlarge the term and powers of an act, paſſed in the tenth year of his preſent Majeſty's reign, *for amending the road from* Ayleſbury, *in the county of* Buckingham, *through* Thame *and* Little Milton, *to the turnpike road between* Benſington *and* Shillingford, *in the county of* Oxford; and for amending the road from the turnpike road at *Thame*, to the *Oxford* turnpike road between *Poſtcomb* and *Tetſworth*, in the ſaid county of *Oxford*.

Cap. 128. To enlarge the term, and explain and amend the powers, of an act paſſed in the fifth year of the reign of his preſent Majeſty, intituled, *An act for repairing and widening the road from*

A TABLE of the STATUTES.

from the turnpike road in Banbury, *in the county of* Oxford, *through* Daventry *and* Cotteſbach, *to the ſouth end of* Mill Field, *in the pariſh of* Lutterworth, *in the county of* Leiceſter.

PRIVATE ACTS.

1. AN act to enable *William Lucas Holden* to take and uſe the ſurname of *Roſe*.
2. An act for naturalizing *Charles Frederick Wiple*.
3. An act for naturalizing *Frederick Hendrick Van Hagen*.
4. An act for incloſing, and leaſing or letting a certain common, and certain waſte grounds, lying within the pariſh of *Marſton Montgomery*, in the county of *Derby*, and applying the profits thereof in aid of the poor's rate, and other parochial taxes of the ſaid pariſh.
5. An act for dividing and incloſing the ſeveral open common fields, common or ſtinted paſtures, wolds, ings, ſands, meadow lands, and waſte grounds, within the townſhip of *South Cave*, in the eaſt riding of the county of *York*.
6. An act for dividing, allotting, and incloſing the common fields, half year, or ſhack lands, commons, and waſte grounds, within the pariſh of *Aſhill*, in the county of *Norfolk*.
7. An act for naturalizing *Simon Tamm*.
8. An act for naturalizing *John Andrew De Luc*.
9. An act for naturalizing *Thomas Oom*, *Charles Frederick Bremer*, and *Daniel Philip Dobbert*.
10. An act to enable the right honourable *George Evelyn* viſcount *Falmouth*, and others, and the guardians of their iſſue male, to make leaſes of the eſtates in *Cornwall*, deviſed by the will of *Hugh* late viſcount *Falmouth* deceaſed, and alſo to grant ſets and leaſes of the mines therein.
11. An act for veſting certain eſtates, in the counties of *Kent* and *Somerſet*, and in the city of *London*, deviſed by the will of *Thomas* late earl of *Leiceſter*, deceaſed, in truſtees, to be ſold, and for laying out the money ariſing therefrom in the purchaſe of other eſtates, ſituate in the county of *Norfolk*, to be ſettled to the ſame uſes.
12. An act for dividing and incloſing the ſeveral open and common arable fields, and the down or common called *Colerne Downe*, within the pariſh of *Colerne*, in the county of *Wilts*.
13. An act for dividing and incloſing certain parts of the moors, commons, and waſte lands, within the manor of *Egleſton*, in the county of *Durham*.
14. An act for dividing and incloſing the common fields, common meadows, heath, and waſte lands, lying within the manor and pariſh of *Meriden*, in the county of *Warwick*, purſuant to an agreement entered into for that purpoſe.
15. An act for dividing and incloſing the ſeveral common paſtures,

paſtures, commons, or waſte grounds, within the townſhips of *Wykeham*, and *Ruſton*, in the manor of *Wykeham*, in the north riding of the county of *York*.

16. An act to enable *William Pemberton* eſquire, and his firſt and other ſons, and their iſſue, to take, uſe, and bear the name and arms of *Cludde*, purſuant to the will of *Edward Cludde*, eſquire, deceaſed.

17. An act for veſting in truſt, for *Peter* lord *King*, and his heirs, the inheritance, in fee ſimple, of a meſſuage, or dwelling houſe, in *Dover-ſtreet*, in the county of *Middleſex*, deviſed and limited by the will of *Thomas* lord *King*, deceaſed, and for ſettling a farm, lands, and hereditaments, in the county of *Surrey*, in lieu thereof, to the uſes limited by the ſame will.

18. An act for confirming an exchange agreed upon between the lord biſhop of *Hereford* and the right honourable *Charles* lord *Sommers*, of certain eſtates in the county of *Hereford*.

19. An act for confirming a mortgage made by *John Newnham* eſquire, of part of his ſettled eſtates in *Suſſex*, purſuant to a decree of the high court of chancery, and for enabling him to make a further mortgage of his ſettled eſtates, according to ſuch decree, and for diſcharging both incumbrances with the produce of his eſtates veſted in truſtees to be ſold.

20. An act for eſtabliſhing and confirming an agreement between the warden and ſcholars, clerks of Saint *Mary* college of *Wincheſter*, near *Wincheſter*, in the county of *Southampton*, and their leſſee, and *Robert Pope Blachford* eſquire, for exchange of certain grounds in the pariſh of *Whippingham*, in the Iſle of *Wight*, and county of *Southampton* aforeſaid.

21. An act for veſting two thirty-ſixth ſhares of the navigation of the river *Douglas*, alias *Aſland*, in the county of *Lancaſter*, part of the ſettled eſtates of *Edward Holt* eſquire, in truſtees, to be ſold, and for laying out the money ariſing by ſuch ſale in the purchaſe of lands and hereditaments, to be ſettled in lieu thereof, to the ſame uſes.

22. An act for veſting the eſtates deviſed by the will of *Anthony Wharton* eſquire, deceaſed, ſituate and being in the county of *York*, in truſtees, to be ſold, for payment of the debts and incumbrances affecting the ſame, and for laying out the ſurplus of the purchaſe money upon the truſts, and for the purpoſes, therein expreſſed.

23. An act for dividing and incloſing a certain waſte, or common, called *Lizard Common*, within the pariſh of *Idſal*, otherwiſe *Shiffnal*, in the county of *Salop*.

24. An act for dividing and incloſing the commons and waſte lands called *Frodington*, otherwiſe *Fraddington*, otherwiſe *Fratton Common*, and *South Sea Common* and *Waſtes*, in the guildable part of the pariſh of *Portſea*, and county of *Southampton*.

25. An act for dividing and incloſing the common fields and waſte lands within the manors of *Kinnerley* and *Melverley*, in the county of *Salop*.

26. An act for dividing and incloſin ertain commons and

waſte lands within the townſhips of *Pickering* and *Newton*, in the north riding of the county of *York*.

27. An act for dividing and incloſing the commons, open common fields, common meadows, commonable lands, and waſte grounds, within the liberty of *Holbrooke*, in the pariſh of *Duffield*, in the county of *Derby*.

28. An act for dividing and incloſing the common fields, common meadows, waſte lands, and other commonable places, within the pariſh of *Upper Clatford*, in the county of *Southampton*.

29. An act for dividing, allotting, and incloſing the open and common fields, and common or waſte land, within the lordſhip or liberty of *Oſgathorpe*, in the county of *Leiceſter*.

30. An act to enable *John Simpſon* (lately called *John Bridgman*) eſquire, and the heirs male of his body, to take and uſe the ſurname of *Simpſon*, purſuant to the will of *William Simpſon* eſquire, deceaſed, and alſo to bear the arms belonging to the family of *Simpſon*.

31. An act for exchanging part of the ſettled eſtate of *Heneage* Earl of *Aylesford*, in the county of *Kent*, for another eſtate, of greater value, in the ſame county, to be ſettled in lieu thereof.

32. An act for veſting a cottage or tenement, uſed as and for a ſchool-houſe, and other hereditaments, in or near the town of *Milton*, in the county of *Dorſet*, in *Joſeph* lord *Milton*, and his heirs, in lieu of, or in compenſation for, a meſſuage or tenement and garden, ſituate and being in the town of *Blandford Forum*, of greater value.

33. An act for veſting part of the ſettled eſtates, and ſuch of the eſtates of the right honourable ſir *John Shelly*, baronet, deceaſed, which, upon his death, deſcended to his ſon ſir *John Shelley* baronet, an infant, as his heir at law, in truſtees, for the purpoſes within mentioned.

34. An act for better regulating the charity of *John Shaftoe*, of *Nether Warden*, in the county of *Northumberland*, clerk, deceaſed.

35. An act for veſting certain detached parts of the ſettled eſtates of *Henry Hippiſley Coxe* eſquire, in *Somerſetſhire*, in truſtees, to be ſold, and for laying out the purchaſe money in other eſtates to be ſettled to the ſame uſes, and for enabling the tenants for life to grant as well leaſes of the coal mines as other leaſes.

36. An act for veſting part of the ſettled eſtates of *John Cotes* eſquire, in the counties of *Montgomery*, *Salop*, and *Stafford*, in truſtees, to be ſold, for raiſing money for payment of debts and incumbrances affecting the ſame eſtates, and for other purpoſes therein mentioned.

37. An act to effectuate a partition of the eſtates of *Job Haumer* eſquire, the reverend *Eraſmus Warren* clerk, and ſir *Thomas Charles Bunbury* baronet, in the counties of *Suffolk* and *Eſſex*.

38. An act for veſting part of the eſtates of *John Topp* eſquire, deceaſed,

deceaſed, in the counties of *Salop* and *Montgomery*, in truſtees, to be ſold, for payment of his debts and legacies, and the coſts of ſuit, purſuant to the directions of the court of chancery, and for diſcharging part of the eſtates ſo veſted from a perpetual yearly rent charge, and for ſubjecting part of the ſaid *John Topp's* deviſed eſtates to the payment thereof.

39. An act for empowering the judges of the court of ſeſſion in *Scotland* to ſell ſuch parts of the eſtates of *Barnbarroch* and *Shenchan*, lying in the county of *Wigtown*, and ſtewartry of *Kirkcudbright*, belonging to *Robert Agnew* eſquire, as ſhall be ſufficient for payment of the debts affecting either of thoſe eſtates, and for veſting the remainder in fee tail to the ſame heirs, and under the ſame limitations, as are mentioned in the deed of entail thereof, bearing date the twenty-ninth day of *December*, one thouſand ſeven hundred and fifty-ſeven.

40. An act for veſting the eſtate of *Drummodie*, and others, lying in the county of *Wigton*, in ſir *William Maxwell*, of *Munreith* baronet, in fee ſimple; and for veſting in the ſaid Sir *William Maxwell*, his heirs and aſſigns, in fee tail, the eſtate of *Little Killantrae*, and others, lying in the ſame county, in lieu thereof.

41. An act for veſting the undivided moiety of the freehold and copyhold eſtates of *William Clarke* eſquire, deceaſed, deviſed by his will for the benefit of his daughter *Mary Forbes*, and her iſſue, in truſtees, for the purpoſes within mentioned.

42. An act to enable the honourable *Wilbraham Tollemache*, and the ſeveral other perſons therein mentioned, to grant building leaſes of certain parts of lands and hereditaments in the county palatine of *Cheſter*, (deviſed by the will of the right honourable *Lionel* late earl of *Dyſart*) upon the terms and reſtrictions therein mentioned.

43. An act for veſting part of the ſettled eſtates of *James Walwyn* eſquire, in the county of *Hereford*, in the ſaid *James Walwyn*, in fee ſimple, and for ſettling other eſtates of the ſaid *James Walwyn*, in the ſaid county, of greater value, in lieu thereof.

44. An act for ſale of a ſufficient part of the eſtates of *Hugh Parnell*, a lunatick, for payment of his debts and incumbrances, under the direction of the court of chancery.

45. An act for dividing and incloſing the commons, waſte grounds, and moſs, within the hamlet or townſhip of *Forton*, in the county of *Lancaſter*.

46. An act for dividing and incloſing certain open common fields, meadows, paſtures, ings, and other commonable lands, and waſte grounds, within the pariſh of *Donnington upon Baine*, in the county of *Lincoln*.

47. An act for dividing, allotting, and incloſing, the open and common fields, common crofts, and common meadows, and for draining and improving certain common moors, within the pariſh of *Wimborne Minſter*, in the county of *Dorſet*.

48. An act for dividing, incloſing, and improving certain

lands, grounds, carrs, and common paſtures, in *Woodmanſey*, *Thearne*, *Weal*, and *Skidby*, all in the pariſhes of *Saint John* in *Beverley*, and of *Skidby*, in the eaſt riding of the county of *York*.

49. An act for dividing and incloſing an open waſte, or common, in the pariſh of *Sidleſham*, in the county of *Suſſex*.

50. An act for dividing and incloſing a certain open tract of land called *Rothwell Haigh*, within *Rothwell*, in the weſt riding of the county of *York*.

51. An act for naturalizing *William Henry Collignon*.

52. An act for naturalizing *Barnard Levi*.

53. An act for veſting certain meſſuages, lands, and hereditaments, in the pariſh of *Landegai*, in the county of *Carnarvon*, belonging to the truſtees of the free ſchool of *Beaumaris*, in the right honourable *Richard* lord *Penrhyn*, of the kingdom of *Ireland*, and his heirs, upon certain terms and conditions therein mentioned.

54. An act for veſting a fee farm rent, belonging to *Thomas Borrett* eſquire, and *Martha* his wife, in the county of *Bedford*, comprized in a ſettlement made upon their marriage, in truſtees, to be ſold, for the purpoſes in the act mentioned; and for veſting other parts of their ſettled eſtates, ſituate in the county of *Kent*, for the ſeparate uſe of the ſaid *Martha Borrett*, and to other uſes, the ſame as in the former ſettlements thereof.

55. An act to enable *Elizabeth Oſborne*, *William Symonds*, *Thomas Symonds Powell*, and *John Moore Green*, their heirs or aſſigns, to convey certain lands and hereditaments, in the pariſh of *Clehonger*, in the county of *Hereford*, and which are now ſubject to the truſts of the will of the late *John Smith* eſquire, in exchange for other lands in the ſame county, of greater value, to be conveyed to, and held by them reſpectively, upon the truſts of the ſaid will of the ſaid *John Smith*.

56. An act for dividing and allotting the open and common lands and grounds within the ſeveral pariſhes of *Foſſont*, *Swallowcliſt*, *Ebeſborne*, *Wake*, *Broadchalk*, *Bowerchalk*, *Alvedeſton*, *Biſhopſton*, and *Fifield*, in the county of *Wilts*.

57. An act for dividing and incloſing the open arable fields, ings, or paſture grounds, and common, within the townſhip of *Kilnwick*, in the pariſh of *Kilnwick*, in the eaſt riding of the county of *York*.

58. An act to diſſolve the marriage of *John Inglis* eſquire, with *Ann Stewart* his now wife, and to enable him to marry again, and for other purpoſes therein mentioned.

59. An act to enable *John Schrieber* eſquire, and the heirs of his body, to take and uſe the ſurname and arms of *Lateward*.

60. An act for naturalizing *Charles Imhoff*.

61. An act for naturalizing *Hermann Graumann*.

The End of the TABLES.

A
TABLE
OF THE
STATUTES
PUBLICK and PRIVATE,

Paſſed *Anno viceſimo ſexto*

GEORGII III. *Regis:*

Being the Third Seſſion of the Sixteenth Parliament of *Great Britain.*

PUBLICK ACTS.

Cap. 1. FOR confining, for a limited time, the trade between the ports of the United States of *America*, and his Majeſty's ſubjects in the iſland of *Newfoundland*, to bread, flour, *Indian* corn, and live ſtock, to be imported in none but *Britiſh*-built ſhips, actually belonging to *Britiſh* ſubjects, and navigated according to law, clearing out from the ports of his Majeſty's *European* dominions, and furniſhed with a licence according to the form hereunto annexed.

Cap. 2. To continue an act, made in the laſt ſeſſion of parliament intituled, *An act to prohibit, for a limited time, the exportation of hay.*

Cap. 3. For granting an aid to his Majeſty by a land tax, to be raiſed in *Great Britain*, for the ſervice of the year one thouſand ſeven hundred and eighty-ſix.

Cap. 4. For further continuing, for a limited time, an act made in the twenty-third year of the reign of his preſent Majeſty, intituled, *An act for preventing certain inſtruments from being required from ſhips belonging to the United States of* America; *and to give to his Majeſty, for a limited time, certain powers*

for the better carrying on trade and commerce between the ſubjects of his Majeſty's dominions and the inhabitants of the ſaid United States; and for further continuing, for a limited time, an act made in the twenty-fourth year of the reign of his preſent Majeſty, intituled, *An act to extend the powers of an act made in the twenty-third year of his preſent Majeſty, for giving his Majeſty certain powers for the better carrying on trade and commerce between the ſubjects of his Majeſty's dominions, and the inhabitants of the United States of* America, *to the trade and commerce of this kingdom with the* Britiſh *colonies and plantations in* America, *with reſpect to certain articles therein mentioned.*

Cap. 5. To regulate the exportation of hops to *Ireland.*

Cap. 6. For continuing and granting to his Majeſty certain duties upon malt, mum, cyder, and perry, for the ſervice of the year one thouſand ſeven hundred and eighty-ſix.

Cap. 7. For the regulation of his Majeſty's marine forces while on ſhore.

Cap. 8. To enable the perſons therein named to provide proper places on ſhore for the reception of the crew of the *Voorberg Dutch Eaſt Indiaman*, forced by ſtreſs of weather into the port of *Dartmouth.*

Cap. 9. To explain and amend an act of the laſt ſeſſion of parliament, intituled, *An act for granting to his Majeſty certain duties on ſhops within* Great Britain; for repealing ſeveral of the duties granted by the ſaid act, and for granting other duties in lieu thereof.

Cap. 10. For puniſhing mutiny and deſertion; and for the better payment of the army and their quarters.

Cap. 11. For enlarging the term of ſeveral acts of parliament, for the repair of *Dover* harbour.

Cap. 12. For opening, making, widening, and altering certain ſtreets, paſſages, and places within the town of *Liverpool*, in the county palatine of *Lancaſter*; for ſupplying the ſaid town with freſh and wholeſome water; for removing and preventing nuiſances and annoyances therein; for appointing additional market places, and for extending ſo much of the powers of an act of the ſecond year of his preſent Majeſty, as relates to hackney coachmen, chairmen, carters, and porters, to a certain diſtance beyond the liberties of the ſaid town.

Cap. 13. To continue and render more effectual ſo much of an act, paſſed in the twenty-ſeventh year of the reign of his late majeſty King *George* the Second, as impoſes a duty on ſhips and veſſels anchoring in the harbour of *Alloa*, in the county of *Clackmannan*, for repairing the pier of the ſaid harbour.

Cap. 14. To prevent frauds and abuſes in the admeaſurement of coals, ſold by wharf meaſure, within the ſeveral pariſhes lying between *Putney* and *Rotherhithe*, both incluſive, in the county of *Surrey.*

Cap. 15. For augmenting and aſcertaining the income of the rectors of the pariſh church and parochial chapel of *Liverpool.*

Cap. 16. To explain and amend certain proviſions of an act,

made in the twenty-fourth year of the reign of his preſent Majeſty, reſpecting the better regulation and management of the affairs of the *Eaſt India* company.

Cap. 17. For paving, repairing, cleanſing, lighting, and watching the ſtreets, lanes, ways, paſſages, and places, within the town of *Tewkeſbury*, and the precincts thereof, in the county of *Glouceſter*; for the removal of preſent, and prevention of future, encroachments, nuiſances, and annoyances therein; for regulating carts and other carriages, and aſcertaining the rates of carriage; and for widening ſome part of the ſtreet called *Church Street*, within the ſaid town.

Cap. 18. For the more eaſy and ſpeedy recovery of ſmall debts within the town and borough of *Deal*, and the pariſhes of *Ripple*, *Sutton*, *Northbourn*, *Great Mongeham*, *Little Mongeham*, *Tilmanſtone*, *Betſhanger*, *Ham*, and *Sholden*, in the county of *Kent*.

Cap. 19. To amend and render more effectual two acts, made in the ſixth year of the reign of Queen *Anne*, and the thirty-ſecond year of the reign of his late majeſty King *George* the Second, *for erecting a workhouſe in the town and borough of* Plymouth, *in the county of* Devon; *and for ſetting the poor on work, and maintaining them there; and for obliging the mayor and commonalty of* Plymouth *to contribute towards the county rates of* Devon; *and for applying for the relief of the poor in the ſaid workhouſe, certain ſurplus monies which have formerly ariſen by the aſſeſſment for raiſing the land tax in the ſaid town*; and for granting further power to the guardians of the poor of the town of *Plymouth*, in the county of *Devon*.

Cap. 20. To amend, and render effectual, two acts, of the ninth and fifteenth years of his preſent Majeſty, for making and maintaining a navigable canal from the *Coventry* canal navigation to the city of *Oxford*.

Cap. 21. For repairing the highways and bridges in the county of *Dumbarton*.

Cap. 22. For the more eaſy and ſpeedy recovery of ſmall debts within the town and port of *Sandwich*, and vill of *Ramſgate*, and the pariſhes of *Minſter* and *Saint Lawrence*, in the *Iſle of Thanet*, *Walmer Aſh* next *Sandwich*, *Eaſtry*, *Wingham*, *Staple*, *Goodneſtone* next *Wingham*, *Chillenden*, *Nonnington*, *Woodneſborough* otherwiſe *Winſborow*, *Eythorne*, *Word* otherwiſe *Worth*, *Elmeſtone*, *Preſton* next *Wingham*, *Ickham*, and *Wickhambreux*, in the county of *Kent*.

Cap. 23. For the appointment of an additional overſeer for the better government of the poor of the pariſh of *Weſtbury*, in the county of *Wilts*.

Cap. 24. For building a new gaol and houſe of correction for the county of *Salop*, and the ſeveral boroughs, towns corporate, liberties, franchiſes, and places within the ſame; and for explaining and amending an act made in the twenty-third year of his preſent Majeſty, intituled, *An act for building a new ſhire hall and guildhall for the county of* Salop *and the town of* Shrewſ-

 bury,

bury, *in the ſaid county*; *and for the other purpoſes therein mentioned.*

Cap. 25. For obviating all doubts which have ariſen, or might ariſe, with reſpect to the excluſive power of the court of directors of the *Eaſt India* company to nominate and appoint the governor general and council of the preſidency of *Fort William* in *Bengal.*

Cap. 26. To amend and render more effectual the ſeveral laws now in force for encouraging the fiſheries carried on at *Newfoundland*, and parts adjacent, from *Great Britain*, *Ireland*, and the *Britiſh* dominions in *Europe*; and for granting bounties, for a limited time, on certain terms and conditions.

Cap. 27. For authoriſing the lord chief baron, and remanent barons of the court of exchequer in *Scotland*, out of the unappropriated money ariſing from the forfeited and lately annexed eſtates in *Scotland*, to pay a certain ſum to the ſociety in *Scotland* for propagating chriſtian knowledge, for the purpoſes, and under the conditions therein mentioned.

Cap. 28. For providing a proper workhouſe, and better regulating the poor, within the pariſh of *Romford*, in the liberty of *Havering Atte Bower*, in the county of *Eſſex.*

Cap. 29. To enable his Majeſty to licence a playhouſe within the town and port of *Margate*, in the iſle of *Thanet*, in the county of *Kent*, under certain reſtrictions therein limited.

Cap. 30. To enable the company of proprietors of the *Coventry* canal navigation to complete the ſaid canal to *Fradley Heath* in the county of *Stafford*; and for other purpoſes therein mentioned.

Cap. 31. For veſting certain ſums in commiſſioners, at the end of every quarter of a year, to be by them applied to the reduction of the national debt.

Cap. 32. For raiſing a certain ſum of money by loans or exchequer bills, for the ſervice of the year one thouſand ſeven hundred and eighty-ſix.

Cap. 33. For raiſing a further ſum of money, by loans or exchequer bills, for the ſervice of the year one thouſand ſeven hundred and eighty-ſix.

Cap. 34. For altering the days of payment of the long annuities, and annuities for thirty and twenty-nine years.

Cap. 35. To explain, amend, and render more effectual, an act, made in the laſt ſeſſion of parliament, intituled, *An act to explain, amend, and render more effectual, an act, paſſed in the twenty-third year of his preſent Majeſty's reign, intituled,* "*An act for authoriſing the treaſurer of the navy to pay to the garriſon and naval department at* Gibralter, *the like bounty for deſtroying certain* Spaniſh *ſhips of war, as is allowed to the officers and men on board any of his Majeſty's ſhips of war taking or deſtroying ſhips of war belonging to the enemy.*"

Cap. 36. To explain an act, made in the laſt ſeſſion of parliament, with repect to the allowances to be made for waſte on the exportation of white ſalt and rock ſalt to the *Iſle of Man*; for

for limiting the quantity of *Britiſh* refined ſugar to be exported to the *Iſle of Man*; and for repealing ſo much of an act, made in the ſeventh year of the reign of his preſent Majeſty, intituled, *An act for encouraging and regulating the trade and manufacture of the* Iſle of Man; *and for the more eaſy ſupply of the inhabitants there with a certain quantity of wheat, barley, oats, meal, and flour, authoriſed by an act made in this ſeſſion to be tranſported to the ſaid iſland*, as relates to permitting any perſon to import into the *Iſle of Man* fiſh from any place whatever, except from *Great Britain*, without payment of any cuſtom or other duty whatſoever.

Cap. 37. For laying a toll upon all horſes and carriages paſſing on a *Sunday* over *Blackfriars Bridge*, and for applying the money to ariſe thereby towards increaſing the fund for watching, lighting, cleanſing, watering, and repairing the ſaid bridge.

Cap. 38. For regulating the time of the impriſonment of debtors impriſoned by proceſs from courts inſtituted for the recovery of ſmall debts; for aboliſhing the claim of fees of gaolers, and others, in the caſes of ſuch impriſonment; and for aſcertaining the qualifications of the commiſſioners.

Cap. 39. For widening, enlarging, and cleanſing the ſtreets, lanes, and other publick places, and for opening new ſtreets, markets, and paſſages, within the town of *Newcaſtle upon Tyne*, and the liberties thereof, and for removing and preventing annoyances therein; and for regulating the publick markets, and common ſtage waggons, drays, and carts, carrying goods for hire.

Cap. 40. For regulating the production of manifeſts, and for more effectually preventing fraudulent practices in obtaining bounties and drawbacks, and in the clandeſtine relanding of goods.

Cap. 41. For the further ſupport and encouragement of the fiſheries carried on in the *Greenland* ſeas and *Davis's Streights*.

Cap. 42. For granting to his Majeſty an additional duty upon battens and deals imported into *Great Britain*.

Cap. 43. To continue and render more effectual an act paſſed in the twenty-firſt year of his Majeſty's reign, for the encouragement of the growth of hemp and flax, in that part of *Great Britain* called *England*.

Cap. 44. For the further relief of debtors, with reſpect to the impriſonment of their perſons; and to oblige debtors, who ſhall continue in execution in priſon beyond a certain time, and for ſums not exceeding what are mentioned in the act, to make diſcovery of, and deliver upon oath, their eſtates for their creditors benefit.

Cap. 45. To continue and amend an act, made in the twenty-fifth year of the reign of his preſent Majeſty, *for the encouragement of the pilchard fiſhery, by allowing a further bounty upon pilchards taken, cured, and exported.*

Cap. 46. For augmenting and fixing the ſalaries of the lords

of ſeſſion, lords commiſſioners of juſticiary, and barons of exchequer, in that part of *Great Britain* called *Scotland*.

Cap. 47. For diſcharging the payment of ſentence money, and other fees of court, to the judge of the court of admiralty in that part of *Great Britain* called *Scotland*, and the payment of ſentence money to the judges of the commiſſary court in *Edinburgh*; for granting ſalaries to the judges of the ſaid courts in lieu thereof; and for regulating the nomination of the ſaid judges.

Cap. 48. For granting to his Majeſty certain duties on ſtamped vellum, parchment, and paper, within that part of *Great Britain* called *Scotland*, to replace to the revenue the ſums granted out of the ſame, in this ſeſſion of parliament, towards the augmentation of the ſalaries of the judges of the courts of ſeſſion, juſticiary, exchequer, and admiralty court in *Scotland*, and commiſſary court of *Edinburgh*.

Cap. 49. For granting to his Majeſty certain ſtamp duties on perfumery, hair powder, and other articles therein mentioned; and on licences to be taken out by perſons uttering or vending the ſame.

Cap. 50. For the encouragement of the ſouthern whale fiſhery.

Cap. 51. For better ſecuring the duties on ſtarch, and for preventing frauds on the ſaid duties.

Cap. 52. For the more effectually preventing the fraudulent removal of tobacco, and for the eaſe of the fair trader; for diſcontinuing the diſcount upon payment on bonds before due, and eſtabliſhing the duty to be paid upon tabacco of the growth of the *Britiſh* plantations, and the United States of *America*.

Cap. 53. To continue ſeveral laws relating to the giving further encouragement to the importation of naval ſtores from the *Britiſh* colonies in *America*; to the allowance upon the exportation of *Britiſh* made gunpowder; to the further encouraging the manufacture of *Britiſh* ſail cloth; and to the duties payable on foreign ſail cloth; to the granting liberty to carry ſugars of the growth, produce, or manufacture of any of his Majeſty's ſugar colonies, directly to foreign parts, in ſhips built in *Great Britain*, and navigated according to law; to the importing ſalt from *Europe* into the province of *Quebec* in *America*; to the diſcontinuing the duties payable upon the importation of tallow, hogs lard, and greaſe; to the permitting the free importation of raw goat ſkins into this kingdom; to the repealing the duties upon pot and pearl aſhes, wood and weed aſhes, imported into *Great Britain*, and for granting other duties in lieu thereof; to the regiſtering the prices at which corn is ſold in the ſeveral counties of *Great Britain*, and the quantity exported and imported; and to the effectually encouraging the manufactures of flax and cotton in *Great Britain*; and to revive and continue ſeveral laws relating to the allowing a drawback of the duties on rum, ſhipped as ſtores, to be conſumed on board merchant ſhips on their voyages; and

and to the granting a bounty upon the importation of hemp and rough and undreſſed flax from his Majeſty's colonies in *America*.

Cap. 54. For continuing the ſalaries and profits of the commiſſioners, clerks, and other officers of the ſtamp office rateable to the land tax, in *Shire Lane* ward, within the diviſion of *Saint Clement Danes* and *Saint Mary le Strand*, in the liberty of *Weſtminſter*, notwithſtanding the ſaid office ſhould be removed into any other diviſion or place.

Cap. 55. To enable the juſtices of the peace for the county of *Middleſex* to raiſe money, in manner therein mentioned, for erecting a houſe of correction within the ſaid county.

Cap 56. For obliging overſeers of the poor to make returns, upon oath, to certain queſtions ſpecified therein, relative to the ſtate of the poor.

Cap. 57. For the further regulation of the trial of perſons accuſed of certain offences committed in the *Eaſt Indies*; for repealing ſo much of an act, made in the twenty-fourth year of the reign of his preſent Majeſty, (intituled, *An act for the better regulation and management of the affairs of the* Eaſt India *company, and of the* Britiſh *poſſeſſions in* India, *and for eſtabliſhing a court of judicature for the more ſpeedy and effectual trial of perſons accuſed of offences committed in the* Eaſt Indies), as requires the ſervants of the *Eaſt India* company to deliver inventories of their eſtates and effects; for rendering the laws more effectual againſt perſons unlawfully reſorting to the *Eaſt Indies*; and for the more eaſy proof, in certain caſes, of deeds and writings executed in *Great Britain* or *India*.

Cap. 58. For procuring, upon oath, returns of all charitable donations, for the benefit of poor perſons, in the ſeveral pariſhes and places within that part of *Great Britain* called *England*.

Cap. 59. For repealing certain duties now payable on wines imported, and for granting new duties in lieu thereof, to be collected under the management of the commiſſioners of exciſe.

Cap. 60. For the further increaſe and encouragement of ſhipping and navigation.

Cap. 61. For granting to his Majeſty a certain ſum of money out of the ſinking fund; and for applying certain monies therein mentioned for the ſervice of the year one thouſand ſeven hundred and eighty-ſix; and for further appropriating the ſupplies granted in this ſeſſion of parliament.

Cap. 62. To enable the *Eaſt India* company to raiſe money by a ſale of annuities, and by increaſing their capital ſtock.

Cap. 63. For the further preventing frauds and abuſes attending the payment of wages, prize money, and other allowances, due for the ſervice of petty officers and ſeamen on board any of his Majeſty's ſhips.

Cap. 64. To diſcontinue, for a limited time, the ſeveral duties payable in *Scotland* upon low wines and ſpirits, and upon worts, waſh, and other liquors, there uſed in the diſtillation of ſpirits;

ſpirits; and for granting to his Majeſty other duties in lieu thereof.

Cap. 65. For granting to his Majeſty a certain ſum of money, to be raiſed by a lottery.

Cap. 66. For appointing commiſſioners further to enquire into the fees, gratuities, perquiſites, and emoluments, which are, or have been lately, received in the ſeveral publick offices therein mentioned; to examine into any abuſes which may exiſt in the ſame; and to report ſuch obſervations as ſhall occur to them, for the better conducting and managing the buſineſs tranſacted in the ſaid offices.

Cap. 67. For appointing and enabling commiſſioners further to examine, take, and ſtate the publick accounts of the kingdom.

Cap. 68. For appointing commiſſioners further to enquire into the loſſes and ſervices of all ſuch perſons who have ſuffered in their rights, properties, and profeſſions, during the late unhappy diſſentions in *America*, in conſequence of their loyalty to his Majeſty, and attachment to the *Britiſh* government.

Cap. 69. For defraying the charge of the militia in that part of *Great Britain* called *England* for one year, beginning the twenty-fifth day of *March*, one thouſand ſeven hundred and eighty-ſix.

Cap. 70. To rectify a miſtake in an act made in this preſent ſeſſion of parliament, intituled, *An act for granting to his Majeſty a certain ſum of money out of the ſinking fund; and for applying certain monies therein mentioned for the ſervice of the year one thouſand ſeven hundred and eighty-ſix; and for further appropriating the ſupplies granted in this ſeſſion of parliament.*

Cap. 71. For regulating houſes, and other places, kept for the purpoſe of ſlaughtering horſes.

Cap. 72. For explaining and amending an act, made in the twenty-fourth year of the reign of his preſent Majeſty, intituled, *An act for laying an additional duty on hackney coaches, and for explaining and amending ſeveral acts of parliament relating to hackney coaches.*

Cap. 73. To diſcontinue, for a limited time, the payment of the duties upon low wines and ſpirits for home conſumption, and for granting and ſecuring the due payment of other duties in lieu thereof; and for the better regulation of the making and vending *Britiſh* ſpirits; and for diſcontinuing, for a limited time, certain impoſts and duties upon rum and ſpirits imported from the *Weſt Indies*.

Cap. 74. For granting to his Majeſty additional duties upon ſweets, and for aſcertaining the duties upon licences to be taken out by perſons dealing in ſweets.

Cap. 75. For appointing commiſſioners to enquire into the loſſes of all ſuch perſons who have ſuffered in their properties, in conſequence of the ceſſion of the province of *Eaſt Florida* to the King of *Spain*.

A TABLE of the STATUTES.

Cap. 76. For repealing ſo much of two acts, paſſed in the fourteenth and twenty-firſt years of the reign of his preſent Majeſty, as prohibits the exportation of wool cards of a limited price.

Cap. 77. To limit a time for the repayment of the duties on male ſervants and carriages by the commiſſioners of exciſe; and alſo on horſes, waggons, wains, and carts, by the commiſſioners of ſtamps; and for the amendment of ſeveral laws relating to the duties under the management of the commiſſioners of exciſe.

Cap. 78. For better ſecuring the duties on paper printed, painted, or ſtained, in *Great Britain*.

Cap. 79. To explain, amend, and render more effectual, an act made in the laſt ſeſſion of parliament, intituled, *An act for transferring the receipt and management of certain duties therein mentioned from the commiſſioners of exciſe, and the commiſſioners of ſtamps, reſpectively, to the commiſſioners for the affairs of taxes; and alſo for making further proviſions in reſpect to the ſaid duties ſo transferred*; and for making certain proviſions reſpecting oaths to be adminiſtered by the commiſſioners for the duties on houſes, and windows or lights, or any other duties put under their management.

Cap. 80. For further continuing certain acts therein mentioned, relating to the further puniſhment of perſons going armed or diſguiſed, in defiance of the laws of cuſtoms or exciſe; and to the preventing the committing of frauds by bankrupts.

Cap. 81. For the more effectual encouragement of the *Britiſh* fiſheries.

Cap. 82. For the more effectually carrying into execution the laws relating to the duties on ſtamped vellum, parchment, and paper; and for repealing certain ſtamp duties on policies for inſuring property in any foreign kingdom or ſtate from loſs by fire.

Cap. 83. To explain and amend an act, paſſed in the ſeventh year of the reign of his preſent Majeſty, *to prevent frauds and abuſes in the admeaſurement of coals, ſold by wharf meaſure, within the city of* London *and the liberties thereof, and between* Tower Dock *and* Limehouſe Hole, *in the county of* Middleſex.

Cap. 84. To empower the archbiſhop of *Canterbury*, or the archbiſhop of *York*, for the time being, to conſecrate to the office of a biſhop, perſons being ſubjects or citizens of countries out of his Majeſty's dominions.

Cap. 85. To revive, continue, and amend ſo much of an act, made in the ſixth year of the reign of his preſent Majeſty, intituled, *An act for allowing a bounty on the exportation of* Britiſh *made cordage, and for diſcontinuing the drawbacks upon foreign rough hemp exported*, as relates to allowing a bounty on the exportation of *Britiſh* made cordage.

Cap. 86. To explain and amend an act, made in the ſeventh year of his late Majeſty's reign, intituled, *An act to ſettle how far*

far owners of ſhips ſhall be anſwerable for the acts of the maſters or mariners; and for giving a further relief to the owners of ſhips.

Cap. 87. For appointing commiſſioners to enquire into the ſtate and condition of the woods, foreſts, and land revenues, belonging to the crown; and to ſell or alienate fee-farm, and other unimproveable rents.

Cap. 88. For ſettling and ſecuring a certain annuity for the uſe of lady *Maria Carlton*, wife of ſir *Guy Carlton*, knight of the moſt honourable order of the Bath, and *Guy Carlton*, and *Thomas Carlton*, ſons of the ſaid ſir *Guy Carlton*, in conſideration of the eminent ſervices performed by him to his Majeſty, and this country.

Cap. 89. To explain, amend, and extend to other tools and utenſils, an act, made in the twenty-fifth year of the reign of his preſent Majeſty, intituled, *An act to prohibit the exportation to foreign parts of tools and utenſils made uſe of in the iron and ſteel manufactures of this kingdom; and to prevent the ſeducing of artificers or workmen, employed in thoſe manufactures, to go into parts beyond the ſeas.*

Cap. 90. For repealing ſo much of an act, paſſed in the twenty-ſecond year of his preſent Majeſty's reign, intituled, *An act for granting to his Majeſty additional duties upon ſalt; and certain duties upon* Glauber *or* Epſom *ſalts; and alſo on mineral alkali, or flux for glaſs, made from ſalt; and to prevent frauds in the duties on foul ſalt to be uſed in manuring of lands*, as relates to the obtaining rock ſalt or ſalt rock, or brine, or ſea water, for the purpoſe of making mineral alkali, or flux for glaſs, duty-free.

Cap. 91. For making perpetual an act, made in the fourteenth year of the reign of his preſent Majeſty, intituled, *An act for regulating mad-houſes.*

Cap. 92. To continue, for a limited time, an act made in the twenty-fourth year of the reign of his preſent majeſty King *George* the Third, *to explain, amend, and render more effectual, an act made in the thirtieth year of the reign of his late majeſty King* George *the Second, intituled, "An act for the more effectual puniſhment of perſons who ſhall attain, or attempt to attain, poſſeſſion of goods or money, by falſe or untrue pretences; for preventing the unlawful pawning of goods; for the eaſy redemption of goods pawned; and for preventing gaming in public houſes by journeymen, labourers, ſervants, and apprentices," ſo far as the ſame relates to the preventing the unlawful pawning of goods, and for the eaſy redemption of goods pawned.*

Cap. 93. To enable his Majeſty to grant a certain annuity to *Brook Watſon* eſquire, late commiſſary general in *North America*, in conſideration of his diligent and meritorious ſervices in that office.

Cap. 94. For making compenſation to the proprietors of ſuch lands and hereditaments as have been purchaſed for the more ſafe and convenient carrying on his Majeſty's gunpowder works and mills, near the town of *Faverſham*; and for the better ſecuring his Majeſty's docks, ſhips, and ſtores, at *Portſmouth* and *Plymouth*,

Plymouth, in purſuance of acts of parliament made in the twenty-third and twenty-fourth years of his preſent Majeſty's reign; and for other purpoſes therein mentioned.

Cap. 95. For enlarging the times appointed for the firſt meetings of commiſſioners, and other perſons, for putting in execution certain acts of this ſeſſion of parliament.

Cap. 96. To provide that the proceedings now depending in the houſe of commons upon articles of charge of high crimes and miſdemeanors, which have been exhibited againſt *Warren Haſtings* eſquire, late governor general of *Fort William* in *Bengal*, ſhall not be diſcontinued by any prorogation or diſſolution of parliament.

Cap. 97. For raiſing a further ſum of money, by exchequer bills, for the ſervice of the year one thouſand ſeven hundred and eighty-ſix.

Cap. 98. To indemnify ſuch perſons as have omitted to qualify themſelves for offices and employments; and to indemnify juſtices of the peace, or others, who have omitted to regiſter or deliver in their qualifications within the time limited by law, and for giving further time for thoſe purpoſes; and to indemnify members and officers, in cities, corporations, and borough towns, whoſe admiſſions have been omitted to be ſtamped according to law, or, having been ſtamped, have been loſt or miſlaid; and for allowing them time to provide admiſſions duly ſtamped; to give further time to ſuch perſons as have omitted to make and file affidavits of the execution of indentures of clerks, to attornies and ſolicitors.

Cap. 99. To aſcertain the fees to be taken by the officers of the receipt of his Majeſty's exchequer, on the iſſues of money which have been made, and ſhall hereafter be made, for the payment of certain penſions at the receipt of his Majeſty's exchequer.

Cap. 100. To prevent occaſional inhabitants from voting in the election of members to ſerve in parliament, for cities and boroughs, in that part of *Great Britain* called *England*, and the dominion of *Wales*.

Cap. 101. For erecting certain light-houſes in the northern parts of *Great Britain*.

Cap. 102. For enlarging the term and powers of an act, paſſed in the fifth year of his preſent Majeſty's reign, *for impowering the commiſſioners for putting in execution the ſeveral acts paſſed for paving, cleanſing, and lighting the ſquares, ſtreets, and lanes, within the city and liberty of* Weſtminſter, *and parts adjacent, to collect certain tolls on* Sundays *upon the ſeveral roads therein mentioned, and apply the ſame for the purpoſes of the ſaid acts.*

Cap. 103. For aſſeſſing the commiſſioners, clerks, and other officers of the office for victualling his Majeſty's navy, for their ſalaries, and the profits of their reſpective offices, to the land tax, in the manner of *Eaſt Smithfield*, in the *Tower Diviſion*, in the county of *Middleſex*, notwithſtanding the removal of the ſaid office into any other diviſion or place.

Cap. 104.

Cap. 104. For allowing a drawback of the duties upon coals uſed in ſmelting copper and lead ores, and in fire engines for draining water out of the copper and lead mines within the *Iſle of Angleſey*.

Cap. 105. For continuing the ſalaries and profits of the commiſſioners, clerks, and other officers of the pay office and navy office reſpectively, rateably to the land tax, in the wards of *Broad Street* and *Tower*, within the city of *London*, notwithſtanding the ſaid offices ſhould be removed into any other diviſion or place.

Cap. 106. For incorporating certain perſons therein named, by the name and ſtile of *The Britiſh Society for extending the fiſheries, and improving the ſea coaſts of this kingdom*, and to enable them, when incorporated, to ſubſcribe a joint ſtock, and therewith to purchaſe lands, and build thereon free towns, villages, and fiſhing ſtations, in the highlands and iſlands in that part of *Great Britain* called *Scotland*; and for other purpoſes.

Cap. 107. For amending, and reducing into one act of parliament, the laws relating to the militia, in that part of *Great Britain* called *England*.

Cap. 108. For explaining, amending, and reducing into one act of parliament, the ſeveral acts paſſed for more effectually preventing the frauds and abuſes committed in the admeaſurement of coals within the city and liberty of *Weſtminſter*, and that part of the duchy of *Lancaſter* adjoining thereto, and the ſeveral pariſhes of *Saint Giles in the Fields*, *Saint Mary le Bon*, and ſuch part of the pariſh of *Saint Andrew Holborn*, as lies in the county of *Middleſex*.

Cap. 109. For incorporating the members of a ſociety to be called *The Clyde Marine Society*; for the better empowering and enabling them to carry on their charitable and uſeful deſigns; and for levying certain duties from ſhipmaſters and others, for that purpoſe.

Cap. 110. For ſupplying *North Shields*, and the ſhipping reſorting thereto, with water.

Cap. 111. To amend and render more effectual an act, made in the thirty-third year of the reign of his late majeſty King *George* the Second, *for rebuilding, widening, and enlarging the bridge over the river* Avon, *in the city of* Briſtol, *and erecting a temporary bridge adjoining*; *and for widening the ſtreets, lanes, ways, and paſſages leading thereto*; *and for building another bridge over ſome other part of the ſaid river, within the ſaid city (if neceſſary)*; *and for opening proper ways and paſſages thereto*; and for making a way from the bridge already built to *Temple Street*, in the ſaid city.

Cap. 112. For raiſing a competent ſum of money to defray the expence of a proper number of watchmen, patrols, and beadles, within the pariſhes of *Saint Margaret* and *Saint John the Evangeliſt*, in the city of *Weſtminſter*.

Cap. 113. For widening ſeveral ſtreets in the city of *Edinburgh*; for opening a communication from *Queen's Street* to *Broughton*

Broughton Loan; for enlarging the burial ground; and for extending the royalty of the ſaid city over part of the lands of *Broughton*.

Cap. 114. For aſcertaining and collecting the poor's rates, and for better governing, regulating, maintaining, and employing the poor, in the pariſh of *Saint John Southwark*, in the county of *Surrey*.

Cap. 115. For providing a proper workhouſe, and better regulating the poor, within the pariſh of *Barking*, in the county of *Eſſex*; and for regulating the common wharf within the town of *Barking*.

Cap. 116. For paving the footways and paſſages in the town of *Cheltenham*, in the county of *Glouceſter*; and for better cleanſing and lighting the ſaid town; for taking down certain old buildings now ſtanding therein; and for removing and preventing other encroachments, nuiſances, and annoyances.

Cap. 117. For pulling down and rebuilding the church of *All Saints* in the town of *Newcaſtle upon Tyne*, and for enlarging the church-yard, and making convenient avenues and paſſages thereto.

Cap. 118. For the more eaſy and ſpeedy recovery of ſmall debts within the town and port of *Folkeſtone*, and the pariſhes of *Folkeſtone*, *Cheriton*, *Newington next Hithe*, *Stanford*, *Poſtling*, *Lyminge*, *Elham*, *Paddleſworth*, *Acris*, *Swingfield*, and *Hawkinge*, in the county of *Kent*.

Cap. 119. For paving, repairing, cleanſing, lighting, and watching, the ſtreets, lanes, ways, paſſages, and places, within the borough of *Newport*, in *The Iſle of Wight*; and for the removal of preſent, and prevention of future, encroachments, nuiſances, and annoyances therein.

Cap. 120. For paving, cleanſing, lighting, and watching the ſtreets, lanes, and other publick paſſages and places, within the manor of *Southwark*, otherwiſe called *The Clink*, or *Biſhop of Wincheſter's Liberty*, in the pariſh of *Saint Saviour*, *Southwark*, in the county of *Surrey*; for the removal of preſent, and preventing of future encroachments, nuiſances, and annoyances therein; for laying out two new ſtreets, and widening and regulating ſeveral other of the ſtreets and paſſages within the ſaid liberty; for diſcontinuing the paſſage through *Globe Alley*; and for ſhutting up in the night time the way leading from *Clink Street*, in the ſaid liberty, to the river ſide.

Cap. 121. For appointing commiſſioners for putting in execution an act of this ſeſſion of parliament, intituled, *An act for granting an aid to his Majeſty by a land tax, to be raiſed in* Great Britain, *for the ſervice of the year one thouſand ſeven hundred and eighty-ſix*.

PUBLICK ACTS not printed in this COLLECTION.

Cap. 122. For continuing the term of an act, made in the ſixth year of his preſent Majeſty, *for amending, widening, alter-*

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ing, clearing, and keeping in repair, ſeveral roads leading from the market croſs, in the town of Wareham, *and in* Purbeck, *in the county of* Dorſet.

Cap. 123. For enlarging the term and powers of an act of the fifth year of his preſent Majeſty, *for repairing, widening, and keeping in repair, ſeveral roads leading to and from* Grewkerne, *in the county of* Somerſet.

Cap. 124. To enlarge the term and powers of an act, paſſed in the ſixth year of the reign of his preſent Majeſty, *for repairing, widening, and keeping in repair, the road leading from* Cromford Bridge, *in the county of* Derby, *to the turnpike road at or near* Langley Mill, *in the ſaid county.*

Cap. 125. For enlarging the term and powers of an act, made in the fourth year of the reign of his preſent majeſty King *George* the Third, *for repairing and widening the road from* Workſop, *in the county of* Nottingham, *through the towns of* Gateforth, Anſton, Aſton, Handſworth, *and* Darnall, *to the north-eaſt end of* Attercliffe, *in the county of* York, *where the ſame joins the turnpike road from* Bawtry *to* Sheffield.

Cap. 126. For more effectually repairing the road from *Liverpool* to *Preſton*, in the county of *Lancaſter*.

Cap. 127. For continuing the term, and altering and enlarging the powers of an act, of the fifth year of his preſent Majeſty, *for repairing and widening the roads from* The Little Bridge, *over the end of the drain next* Wiſbeach River, *lying between* Roper's Fields *and* The Bell Inn, *in* Wiſbeach, *in the* Iſle of Ely, *to the ſign of* The Bear, *in* Walſoken, *in the county of* Norfolk; *and from* Walſoken Bridge, *lying over the ſame drain, to the ſaid ſign of* The Bear, *and to* Lord's Bridge, *in* Iſlington; *and from thence to the weſt ends of* Maudlin Bridge *and* German's Bridge, *in the county of* Norfolk; *and from the eaſt end of* German's Bridge *aforeſaid, to the weſt end of* Long Bridge, *in* South Lynn, *in the borough of* King's Lynn, *in the ſaid county of* Norfolk; *and from* Iſlington *aforeſaid, to* Croſs Keys Waſh, *in the ſaid county.*

Cap. 128. For continuing the term, and altering and enlarging the powers, of an act, paſſed in the fifth year of the reign of his preſent Majeſty, *for repairing, widening, and keeping in repair, ſeveral roads in and near* Great Torrington, *in the county of* Devon.

Cap. 129. To enlarge the term and powers of an act, made in the ninth year of the reign of his preſent majeſty King *George* the Third, *for repairing and widening ſeveral roads leading to and through the borough of* Bodn in *in the county of* Cornwall.

Cap. 130. For more effectually repairing the road from *The Black Bull Inn*, in *Dunſtable*, in the county of *Bedford*, to the way turning out of the ſaid road up to *Shafford Houſe*, in the county of *Hertford*.

Cap. 131. For making, widening, and keeping in repair, certain roads in the ſeveral pariſhes of *Lambeth*, *Newington*, *Saint George Southwark*, *Bermondſey*, and *Chriſt Church*, in the county of *Surrey*; and for watching and lighting the ſaid roads.

Cap. 132.

Cap. 132. For enlarging the term of two acts, of the fifth and ninth years of his preſent Majeſty, ſo far as the ſame relate to the repairing of the roads from *Hat's Croſs* to *Cowden*, and from *Sevenoakes Common* to *Crockhurſt Hatch Corner*, and from *Penſhurſt* town to *Southborough*, in the county of *Kent*.

Cap. 133. To enlarge the term and powers of two acts, made in the fifth and ſeventh years of his preſent Majeſty, for repairing certain roads therein mentioned, leading from *Chatteris Ferry* to the town of *Wiſbech Saint Peter's*, in the *Iſle of Ely*, and other places in the ſaid acts mentioned.

Cap. 134. For enlarging the term of an act of the fifth year of his preſent Majeſty, *for repairing and widening the roads leading from the turnpike road at* Kipping's Croſs, *in the pariſh of* Brenchley, *in the county of* Kent, *through the pariſhes of* Brenchley, Horſmonſden, *and* Goudhurſt, *by the left hand ſide of* Iden Green, *to the turnpike road on* Wilſley Green, *in the pariſh of* Cranbrooke; *and from a place near* Goudhurſt Gore, *through the pariſh of* Marden, *to* Stile Bridge, *in the ſaid pariſh*; *and from* Underden Green, *in* Marden *aforeſaid*, *to* Wanſhutt's Green, *in the county of* Kent.

Cap. 135. For amending and widening ſeveral roads leading from and through the town of *Wiveliſcombe*, in the county of *Somerſet*, and other roads adjoining or near thereto.

Cap. 136. For continuing the term, and altering and enlarging the powers of an act, paſſed in the fifth year of his preſent Majeſty's reign, *for repairing and widening ſeveral roads leading from the port town and borough of* Minehead, *and from* Dunſter *and* Watchet, *in the county of* Somerſet.

Cap. 137. For enlarging the term and powers of an act, paſſed in the fifth year of the reign of his preſent Majeſty, intituled, *An act for repairing and widening the road from* Great Grimſby Haven, *at or near a place called* The Upper Sand End, *to* Wold Newton Church, *and from* Nuns Farm *to* The Mill Field, *in the pariſh of* Irby, *in the county of* Lincoln.

Cap. 138. For enlarging the term and powers of an act, made in the ſixth year of the reign of his preſent majeſty King *George* the Third, and alſo of two acts, made, one in the twelfth year of the reign of King *George* the Firſt, and the other in the twelfth year of the reign of King *George* the Second, ſo far as the ſaid two acts relate to the road from *Spittlegate Hill* to *Foſton Bridge*, in the county of *Lincoln*.

Cap. 139. For amending, widening, and keeping in repair, the road from *Flookerſbrook Bridge*, within the townſhip of *Newton*, near *Cheſter*, to the ſouth end of *Wilderſpool Cauſeway*, and from the market town of *Frodſham* to *Aſhton Lane End*, in the townſhip of *Aſhton*, in the county of *Cheſter*.

Cap. 140. For continuing and amending an act of the fifth year of his preſent Majeſty, *for amending and widening the road from the ſign of the* Coach and Horſes *in* Birſtall, *to the turnpike road at* Nunbrook, *and from* Bradley Lane *to the town of* Huddersfield, *in the weſt riding of the county of* York.

A TABLE of the STATUTES.

Cap. 141. For enlarging the term and powers of ſo much of an act, paſſed in the fifth year of the reign of his preſent majeſty King *George* the Third, intituled, *An act for repairing and widening the roads from* Bawtry Bridge, *in the county of* Nottingham, *to* Hainton, *in the county of* Lincoln; *and from* North Willingham, *to the north end of the lane betwixt* Dexthorpe *and* Langton; *and from* Weſt Raiſin *to* Pilford Bridge; *and from the great road near* Biſhop Bridge *to* Biſhop Norton Common; *and from the hamlet of* Morton *to* Epworth; *and from* Hexey Field *to the* Trent, *at* Kinnald Ferry, *in the ſaid county of* Lincoln, as relates to the firſt and ſecond diſtricts of roads, therein deſcribed.

Cap. 142. For enlarging the term and powers of an act, paſſed in the fifth year of the reign of his preſent Majeſty, *for amending and widening the road, from the north end of* Old Malton Gate, *in the town and borough of* New Malton, *to the town of* Pickering, *in the county of* York.

Cap. 143. To continue the term of two acts, made in the thirteenth and twenty-ſeventh years of the reign of his late majeſty King *George* the Second, *for repairing the road between* Hockliffe, *in the county of* Bedford, *and* Stony Stratford, *in the county of* Buckingham.

Cap. 144. For continuing the term, and altering and enlarging the powers, of an act, paſſed in the fifth year of the reign of his preſent Majeſty, *for amending and widening the road from the city of* York, *by* Grimſton Smithy, *to* Kexby Bridge, *and from* Grimſton Smithy *aforeſaid to a certain gate at the upper end of* Garraby Hill, *in the county of* York.

Cap. 145. For continuing the term of an act, of the ſeventh year of his preſent Majeſty, *for repairing and widening the road leading from the turnpike road in the town of* Tenterden, *to and over* Bull Green, *and to and through the town of* Great Chart, *to a houſe known by the ſign of the* Caſtle, *at the entrance of the town of* Aſhford, *in the county of* Kent; *and alſo the road leading from* Bull Green *aforeſaid to* Hothfield Heath; *and alſo the road leading from* Bull Green *aforeſaid, through* High Halden, *to* Daſhmanden, *in the pariſh of* Biddenden, *in the ſaid county of* Kent.

Cap. 146. For enlarging the term and powers of an act, paſſed in the fifth year of his preſent Majeſty's reign, intituled, *An act for repairing and widening the road from* Barton Waterſide Houſe *to* Riſeham Hedge Corner, *and ſeveral other roads in the county of* Lincoln *therein mentioned*; and for repairing and widening the road from the *Old Bridge*, in the town of *Brigg*, in the ſaid county, to *Wrawby Bar* and *Bigby Bar*, in the ſaid town; and alſo the road from the end of the ſaid turnpike road at *Caiſtor*, in the ſaid county of *Lincoln*, to the *South Gate*, in the ſaid town of *Caiſtor*.

Cap. 147. To enlarge the term and powers of two acts, made in the fourth year of the reign of King *George* the Second, and the ſixth year of the reign of his preſent Majeſty, *for repairing the road*

road from Godſtone, *in the county of* Surrey, *to* Highgate, *in the parish of* Eaſt Grinſtead, *in the county of* Suſſex.

Cap. 148. For enlarging the term and powers of an act, paſſed in the fifth year of his preſent Majeſty's reign, *for repairing, widening, and keeping in repair, the road from* Welford Bridge, *in the county of* Northampton, *through* Huſband's Boſworth *and* Great Wigſton, *to* Milſton Lane, *in the town of* Leiceſter.

Cap. 149. For enlarging the term and powers of an act, made in the ſixth year of the reign of his preſent majeſty King *George* the Third, intituled, *An act for repairing and widening the roads from* Brimington *and* Cheſterfield, *in the county of* Derby, *over the* High Moors, *to the ſeveral places therein mentioned.*

Cap. 150. For continuing the term, and altering the powers, of an act of the fifth year of his preſent Majeſty, *for repairing, widening, and keeping in repair, ſeveral roads leading from* Kidwelly, *in the county of* Carmarthen, *and alſo ſeveral roads leading from* Llandilo, *in the ſaid county*, ſo far as relates to the *Llandilo* diſtrict of the ſaid roads, and for amending and keeping in repair ſeveral other roads in the ſaid county.

Cap 151. For making, repairing, and widening the road from *Heage*, in the county of *Derby*, through *Alfreton*, to *Tibſhelf*, in the ſame county, and alſo a branch from the ſame road, at or near *Shirland Logde*, to *Higham*, in the ſame county.

Cap. 152. For enlarging the term and powers of two acts, made in the twelfth and thirty-firſt years of King *George* the Second, *for repairing the road from* Cheſterfield, *in the county of* Derby, *to* Workſop, *in the county of* Nottingham, *and other roads therein mentioned*, ſo far as the ſame relate to the road from *Cheſterfield* to *Workſop*.

Cap. 153. For enlarging the term and powers of an act, made in the ſixth year of the reign of his preſent Majeſty, *for repairing and widening the road leading from the bottom of* Church Lane, *in the town of* Newcaſtle under Lyne, *in the county of* Stafford, *to the turnpike road leading from* Woor *to* Cheſter, *near the town of* Namptwich, *in the county of* Cheſter, *and from* Cheſterton, *through* Audley *and* Balterley, *to* Ghorſty Hill.

Cap. 154. For enlarging the term and powers of two acts, paſſed in the fifth and ſixth years of the reign of his preſent Majeſty, *for repairing and widening the road from* Tonbridge, *to* Maidſtone, *and from* Wat's Croſs *to* Cowden, *in the county of* Kent, ſo far as the ſame relate to the road from *Tonbridge* to *Maidſtone*.

Cap. 155. To enlarge the term and powers of an act, paſſed in the twenty-fourth year of the reign of his late majeſty King *George* the Second, ſo far as relates to the road from *Selby*, to *Leeds*, in the weſt riding of the county of *York*.

Cap. 156. To enlarge the term and alter the powers of an act, made in the fifth year of the reign of his preſent Majeſty, *for repairing and widening ſeveral roads leading from the quay at* Lymington, *in the county of* Southampton.

Cap. 157. For enlarging the term and powers of an act of

the fifth year of his preſent Majeſty, *for repairing and widening the road leading from the town of* Wadhurſt, *in the connty of* Suſſex, *to the turnpike road at* Lamberhurſt Pound *and* Pullen's Hill, *in the county of* Kent; *and from the top of* Pullen's Hill, *through the pariſhes of* Horſmonden, Marden, Yalden, *and* Weſt Farley, *to* Weſt Farley Street, *in the ſaid county of* Kent.

Cap. 158. To continue the term and powers of an act, made in the fifth year of the reign of his preſent Majeſty, ſo far as the ſame relates to the repairing and widening the road leading from the river at *Swathling*, through *Botley*, to the turnpike road at *Sherrill Heath*, in the county of *Southampton*.

Cap. 159. For reviving, continuing, and enlarging the term and powers of an act, paſſed in the ſecond year of the reign of his preſent Majeſty, *for repairing and widening the roads from a certain bridge called* James Deeping Stone Bridge, *to* Peter's Gate, *in* Stamford, *in the county of* Lincoln, *and from thence to the ſouth end of the town of* Morcot, *in the county of* Rutland.

Cap. 160. For more effectually repairing and keeping in repair, ſo much of the road from the town of *Newcaſtle upon Tyne*, to the city of *Carliſle*, as is within the county of *Northumberland*.

PRIVATE ACTS.

1. AN act for naturalizing *Louis Weltje* and *Alexander von Mayerſbach*.
2. An act for naturalizing *Andreas Emmerich*.
3. An act for naturalizing *John Henry Chriſtopherſon*.
4. An act for naturalizing *John Henry Rougemont* and *Lewis Guy*.
5. An act for dividing and incloſing the commons and waſte grounds within the borough or townſhip of *Clitheroe*, in the county palatine of *Lancaſter*.
6. An act to enable *Cornelius Salvidge*, (now called *Cornelius Tutton*), and the heirs of his body, to take the ſurname of *Tutton*, purſuant to the will of *Samuel Tutton* eſquire, deceaſed.
7. An act for naturalizing *John Conrad Meyer*.
8. An act for naturalizing *John Peter Richard* and *George Chriſtian Matthieſſen*.
9. An act for naturalizing *Guſtaf Hederſtedt*.
10. An act to enable the right honourable *Francis* lord *Ducie*, and his iſſue, to take the ſurname of *Moreton*, and to bear and uſe the arms of honour of the right honourable *Matthew* lord *Ducie*, deceaſed, purſuant to the will of the ſaid *Matthew* lord *Ducie*.
11. An act for veſting the ſettled eſtate of *Stephen Treſs*, in the county of *Suſſex*, in truſtees, to convey the ſame purſuant to an agreement for the ſale thereof, and for laying out the money in the purchaſe of other lands and hereditaments, to be ſettled to the like uſes.

12. An

12. An act for dividing and incloſing certain common fields, common meadows, paſtures, and other commonable lands, within the hamlet of *Shottery*, in the pariſh of *Old Stratford* otherwiſe *Stratford upon Avon*, in the county of *Warwick*.

13. An act for dividing and incloſing certain open and common fields, common meadows and paſtures, and commonable or waſte lands, within the pariſh of *Oddington*, in the county of *Glouceſter*.

14. An act for dividing and incloſing ſeveral parcels of waſte grounds within the manors of *Narberth*, *Templeton*, *Molleſton*, and *Robeſtone Wathan*, in the pariſhes of *Narberth* and *Robeſtone Wathan*, in the county of *Pembroke*.

15. An act for dividing, incloſing, and allotting certain moors, commons, or waſte lands, lying and being within the pariſh of *Weſt Pennard*, in the county of *Somerſet*.

16. An act to enable *George Taſburgh* eſquire (lately called *George Cratherne*) and his heirs male, to take and bear the ſurname and arms of *Taſburgh* only, purſuant to the will, and alſo to a certain ſettlement made by *George Taſburgh* eſquire, deceaſed.

17. An act for veſting part of the deviſed eſtate of *Robert Biſhopp*, deceaſed, in the county of *Surrey*, in truſtees, to be ſold, and for laying out the money ariſing from the ſale in the purchaſe of another eſtate, to be ſettled to the ſame uſes.

18. An act to enable the vicar of the pariſh and pariſh church of *Sheffield*, in the county of *York*, to grant leaſes of the glebe land, and otherwiſe improve the eſtate belonging to the ſaid vicarage.

19. An act for dividing and incloſing the ſeveral commons and waſte grounds within the manors of *Crich* and *Southwingfield*, in the county of *Derby*.

20. An act for dividing and incloſing the ſeveral common fields, common downs, common paſtures, and other commonable places, in the ſeveral pariſhes of *Upper Wallop*, *Hurſbourn Pryors*, and *Tufton*, in the county of *Southampton*.

21. An act for dividing and incloſing certain open and common fields, a common meadow and common paſture, and commonable lands, within the pariſh of *Bray*, in the county of *Berks*.

22. An act for dividing and incloſing the open fields, meadows, paſtures, and other commonable lands and grounds, within the pariſh of *Tichwell*, in the county of *Norfolk*.

23. An act for dividing and incloſing the open and common fields, and all other commonable land, within the pariſh of *Harvington*, in the county of *Worceſter*.

24. An act for dividing and incloſing the commons, common fields, waſtes, and other commonable lands and grounds, within the manor and pariſh of *Methley*, in the county of *York*.

25. An act to effectuate and eſtabliſh an exchange between the right honourable *Henry Frederick* lord *Carteret*, and his truſtees, with the maſter, fellows, and ſcholars of the college of the lady

Frances Sidney Suſſex, in the univerſity of *Cambridge*, of the advowſon and right of patronage of and to the rectory of *Saint Mary Week* otherwiſe *Week Saint Mary*, in the county of *Cornwall*, for the advowſon and right of patronage of and to the vicarage of *Wilſhamſtead* otherwiſe *Wilſtead*, in the county of *Bedford*.

26. An act for veſting certain eſtates in the county of *Nottingham*, intailed by the will of the right honourable *Henry William Arundell* viſcount *Galloway*, in truſtees, to be ſold, and for laying out the money ariſing therefrom in the purchaſe of eſtates ſituate in the weſt riding of the county of *York*, to be ſettled to the ſame uſes.

27. An act for veſting part of the eſtates, in the town and county of *Southampton*, deviſed by the will of *Benjamin Barlow*, deceaſed, in truſtees, to be ſold; and for laying out the purchaſe money in another eſtate, to be ſettled, in lieu thereof, to the ſame uſes.

28. An act for dividing and incloſing a common, and certain other open grounds, in the townſhip and pariſh of *Moor Monkton*, in the county of the city of *York*.

29. An act for dividing and allotting certain commonable grounds, or waſte woodlands, in the townſhip of *Atherſtone*, in the county of *Warwick*.

30. An act for dividing, incloſing, and exchanging the open fields and other lands and grounds within the pariſh of *Raveley*, in the county of *Huntingdon*.

31. An act for dividing and incloſing the ſeveral common paſtures, commons, or waſte grounds, within the pariſhes of *Sinnington with Marton* and *Edſtone*, in the north riding of the county of *York*.

32. An act for dividing and incloſing the commons or waſte lands within the manor of *Aſton* otherwiſe *Aſton Abbotts*, in the county of *Salop*.

33. An act for veſting part of the ſettled eſtates of *Denys Rolle* and *John Rolle*, eſquires, in truſtees, upon truſt, to ſell the ſame, and to purchaſe eſtates contiguous to the principal eſtates of the ſaid *Denys Rolle* and *John Rolle*, to be ſettled to the uſes of the eſtates veſted in truſtees for ſale.

34. An act for dividing and incloſing the ſeveral open fields, ſtinted paſture, ings, commons, waſte lands, and grounds, in the townſhips of *Little Smeaton* and *Stubbs Walden*, in the pariſh of *Womerſley*, in the weſt riding of the county of *York*.

35. An act for dividing and incloſing the ſeveral open fields, common meadows, common paſtures, commons, and waſte grounds, in the pariſh of *Weſton upon Trent*, in the county of *Derby*.

36. An act for enabling the right honourable *Charles Philip* lord *Stourton*, and the right honourable *Mary* lady *Stourton*, his wife, the right honourable *Hugh* lord *Clifford*, and the right honourable *Appolonia* lady *Clifford*, his wife, and *Robert Butler* eſquire, and the honourable *Elizabeth Butler*, his wife, to charge their

their eſtates at *Holme*, in the eaſt riding of the county of *York*, with a competent ſum of money for the purpoſe of improving the ſame, and alſo to grant building and other leaſes of the ſaid eſtates, and of their other eſtates in the counties of *York* and *Stafford*.

37. An act to enable the ſurviving parties to certain articles of agreement made previous to the marriage of the honourable *John Damer*, deceaſed, with the honourable *Ann Seymour Conway* (now *Ann Damer*, widow) to inſert in the ſettlement to be executed in purſuance of the ſaid articles proper powers for raiſing the ſum of forty thouſand pounds for the purpoſes in the ſaid articles mentioned.

38. An act for rectifying miſtakes in the marriage ſettlement of lord and lady *Camelford*, and for making a further proviſion for the younger children of the ſaid marriage.

39. An act to reſettle certain freehold and copyhold lands and hereditaments in the county of *Norfolk*, to the uſes, and ſubject to the powers limited or expreſſed of and concerning the ſame, by the ſettlement made on the marriage of *William John Spearman Waſey* eſquire, and *Elizabeth Honoria*, his wife.

40. An act for veſting the eſtate late of *John Shipton* eſquire, deceaſed, in the county of *Warwick*, in truſtees, to be ſold and diſpoſed of for the payment of his debts and certain of the legacies given by his will and codicil, and for laying out the reſidue of the money ariſing by ſuch ſale in the purchaſe of other eſtates, to be ſettled to the uſes, and for the purpoſes, therein mentioned.

41. An act for veſting part of the ſettled eſtates of *Walter Stanhope* and *John Shuttleworth*, eſquires, in the counties of *York* and *Derby*, in truſtees, to be ſold or exchanged, and for laying out the purchaſe money of the eſtates ſo to be ſold, in other eſtates to be ſettled to the ſame uſes, and for enabling the tenants for life to grant building and repairing leaſes, and for confirming the election made between the ſaid parties reſpecting the ſaid eſtates.

42. An act for effecting an exchange between *Rebecca Aſhton* widow, and the right honourable *James* earl of *Saliſbury*, of certain ſmall parts of their eſtates in the county of *Herts*.

43. An act for veſting an undivided moiety (being the ſettled eſtate of *Samuel Williamſon*, a lunatick) of and in certain lands in *Liverpool*, in the county of *Lancaſter*, in truſtees, to be ſold, with the approbation of the court of chancery, and for laying out the money ariſing therefrom in the purchaſe of other eſtates, to be ſettled to the ſame uſes.

44. An act for veſting part of the ſettled eſtates of *Richard Parry* eſquire, in the county of *Denbigh*, in *North Wales*, in truſtees, to be ſold, and for applying the monies ariſing by ſuch ſale in diſcharging the incumbrances affecting the ſame and other eſtates of the ſaid *Richard Parry*, and for ſubſtituting and ſettling another eſtate of greater value in lieu thereof.

45. An act for dividing and incloſing the open and common fields,

fields, common meadows, common paſtures, commonable lands, and waſte grounds, in the manor and pariſh of *Broughton*, in the county of *Northampton*.

46. An act for dividing and incloſing the commons and waſte grounds within the manor of *Huddersfield*, in the county of *York*.

47. An act for dividing and incloſing certain open and common fields, meadows, paſtures, and waſte lands, within the pariſh of *Canwick*, in the county of the city of *Lincoln*, and for ſeparating, dividing, and appropriating, an open common called *Canwick*, or *The South Common*, adjoining thereto; and for extinguiſhing certain rights of common in and upon the ſame, and alſo in and upon the ſaid open and common fields, meadows, paſtures, and waſte lands; and for making compenſations in lieu thereof reſpectively.

48. An act for dividing and allotting the open and common fields, and other commonable lands and grounds, in the pariſh of *Berwick Saint John*, in the county of *Wilts*.

49. An act for veſting part of the eſtate of *Thomas Whichcot* eſquire, deceaſed, in the county of *Lincoln*, in truſtees, for ſale, to pay off incumbrances affecting the ſame, and for other purpoſes therein mentioned.

50. An act to empower the guardians of *William Phillips Inge* eſquire, and of his ſiſters, to make or grant building and other leaſes during their reſpective minorities; and alſo to make exchanges of intermixed lands in or near the town of *Birmingham*, in the county of *Warwick*.

51. An act for veſting the eſtate comprized in the ſettlement made on the marriage of the reverend *Thomas Beaumont* clerk, deceaſed, in truſtees, to ſell the ſame, and apply the money to ariſe by ſuch ſale in the purchaſe of other lands or hereditaments, ſo be ſettled, in like manner, in lieu thereof.

52. An act for applying part of the truſt fund which was given by the will of doctor *Ralph Freeman*, for repairing or rebuilding the vicarage houſe of the pariſh of *Barking*, in the county of *Eſſex*, in purchaſing a convenient piece of ground in the ſaid pariſh, and in building a new vicarage houſe thereon.

53. An act for dividing, allotting, and incloſing the open and common fields, common downs, common paſtures, common meadows, waſte lands, and other commonable places, within the pariſh of *Baſingſtoke*, in the county of *Southampton*.

54. An act for enabling the right honourable *Edmund* earl of *Cork* and *Orrery*, in the kingdom of *Ireland*, and baron *Boyle* of *Marſton*, in *England*, to pull down the preſent pariſh church of *Barſton Biggott* otherwiſe *Marſton Bygood*, in the county of *Somerſet*, and for building a new pariſh church there.

55. An act to enable *William Bamford* eſquire, and the ſeveral other perſons therein mentioned, to grant leaſes of certain parts of the ſettled eſtates, in the ſeveral counties of *Lancaſter* and *Cheſter*, lately of or belonging to *Ann Bamford* ſpinſter, deceaſed, upon the terms and reſtrictions therein mentioned.

56. An

56. An act for veſting part of the ſettled eſtates of *John Rich* gentleman, and *Elizabeth* his wife, in the counties of *Leiceſter* and *Warwick*, in truſtees, to be ſold, and for applying the money ariſing therefrom in payment of incumbrances, under the direction of the court of chancery, and for laying out the ſurplus of ſuch money in the purchaſe of other eſtates, to be ſettled to the ſame uſes.

57. An act for dividing and incloſing certain commons, called *Belper Ward* and *Chevin Ward*, in the county of *Derby*, and certain waſte lands within the liberties of *Duffield*, *Belper*, *Hazlewood*, and *Makeney*, within the pariſh of *Duffield*, in the ſaid county of *Derby*.

58. An act for dividing, allotting, and incloſing the open common fields, common meadows, and paſtures, and alſo a piece of common adjoining to *Chelworth Common*, all within the manors and tything of *Great* and *Little Chelworth*, or one of them, in the pariſh of *Cricklade Saint Sampſon*, in the county of *Wilts*.

59. An act for veſting part of the deviſed eſtates of the right honourable *Thomas* lord *Foley*, deceaſed, in the county of *Worceſter*, in *Samuel Skey* eſquire, in fee ſimple, in exchange for another eſtate of equal value, and for effecting a ſale of other part of the ſaid deviſed eſtates to the ſaid *Samuel Skey*, purſuant to an agreement made by the ſaid lord *Foley* in his life time, and for inveſting the money ariſing from ſuch ſale in the purchaſe of other eſtates, under the direction of the court of chancery, to be ſettled, in lieu thereof, to the ſame uſes.

60. An act for naturalizing *Albertine Marianne Trefuſis*:

The END *of the* TABLES.

THE

STATUTES at Large, &c.

Anno regni GEORGII III. *Regis, Magnæ Britanniæ, Franciæ, & Hiberniæ, vicesimo quinto.*

AT *the parliament begun and holden at* Weſtminſter, *the eighteenth day of* May, *Anno Domini* 1784, *in the twenty-fourth year of the reign of our ſovereign lord* GEORGE *the Third, by the grace of God, of* Great Britain, France, *and* Ireland, *King, defender of the faith, &c. And from thence continued, by ſeveral prorogations, to the twenty-fifth day of* January, 1785; *being the ſecond ſeſſion of the ſixteenth parliament of* Great Britain.

CAP. I.

An act for confining, for a limited time, the trade between the ports of the United States of America, *and his Majeſty's ſubjects in the iſland of* Newfoundland, *to bread, flour, and live ſtock, to be imported in none but* Britiſh-*built ſhips, actually belonging to* Britiſh *ſubjects, and navigated according to law, clearing out from the ports of his Majeſty's* European *dominions, and furniſhed with a licence according to the form hereunto annexed.*

WHEREAS *it is expedient to regulate, for a limited time, the trade between the ports of the United States of* America *and his Majeſty's ſubjects in the iſland of* Newfoundland: may it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, from and after the paſſing of this act, and during the continuance of the ſame, no goods or commodities

Preamble.

Reſtrictions on the importation of goods into Newfoundland.

dities whatsoever shall be imported or brought into any port, harbour, or place, in the island of *Newfoundland*, or the adjacent islands to his Majesty belonging, from any place or country belonging to the United States of *America*, upon any pretence whatsoever, except bread, flour, and live stock, under the restrictions and regulations herein-after mentioned; any law, custom, or usage, to the contrary notwithstanding.

No bread, flour, or live stock, to be imported into Newfoundland from the United States of America, except in licensed British-built ships, &c.

II. And it is hereby further enacted by the authority aforesaid, That, from and after the passing of this act, and during the continuance of the same, no bread, flour, or live stock, shall be brought or imported, from any place or country belonging to the said United States of *America*, into any port, harbour, or place of the said island of *Newfoundland*, or the adjacent islands to his Majesty belonging, except in *British*-built ships, which shall actually and *bona fide* belong to and be wholly owned by *British* subjects, and navigated according to law, and which shall, within the space of seven months previous to the time of such importation, have cleared out from some port in *Great Britain*, or some other part of his Majesty's dominions in *Europe*, for which purpose a licence shall have been granted by the commissioners of his Majesty's customs in *England* or *Scotland*, or the commissioners of his Majesty's revenue in *Ireland*, or any other persons who may be duly authorised in that kingdom, respectively, in the manner and form herein-after mentioned; which licences shall continue and be in force for seven calendar months from the day of the date upon which they are respectively granted, and no longer.

Time for granting licences limited.

III. Provided always, and be it enacted, That no such licence shall be granted by virtue of this act after the thirtieth day of *June*, one thousand seven hundred and eighty-five.

Master of vessel to deliver licence to custom-house officer at port of discharge;

IV. And it is hereby further enacted by the authority aforesaid, That the master or person having the charge or command of any ship or vessel to whom such licence shall be granted shall, upon the arrival of the said ship or vessel at the port, harbour, or place in the island of *Newfoundland*, or the adjacent islands to his Majesty belonging, where he shall discharge such bread, flour, or live stock, deliver up the said licence to the collector or other proper officer of the customs there, having first endorsed upon the back of such licence the marks, numbers, and contents of each package of bread and flour, and the description and tale of each sort and species of live cattle, on forfeiture of one hundred pounds; and the collector, or other proper officer of the customs at *Newfoundland*, is hereby enjoined and required to give a certificate to the master or person having the charge or command of such ship or vessel, of his having received the said licence so endorsed as before directed, and to transmit the same to the commissioners of his Majesty's customs in *England* or *Scotland*, or to the commissioners of his Majesty's revenue in *Ireland*, respectively, by whom such licence was granted.

who shall give a certificate thereof, &c.

V. And it is hereby further enacted by the authority aforesaid,

said, That if any bread, flour, or live stock, shall be imported or brought from any place or country belonging to the said United States of *America*, into the said island of *Newfoundland*, or the adjacent islands to his Majesty belonging, without the licence by this act directed; or if any other goods or commodities whatsoever shall be imported or brought into the said island of *Newfoundland*, or the adjacent islands to his Majesty belonging, from any place or country belonging to the said United States of *America*, contrary to the true intent and meaning of this act, all such bread, flour, live stock, and other goods, together with the ship or vessel in which the same shall be so imported or brought, shall be forfeited, and shall and may be seized by any officer of the customs in the said island, and the same, as well as the pecuniary penalty inflicted by this act, may be sued for, prosecuted, and recovered, in any court of vice admiralty which shall have jurisdiction within the said island of *Newfoundland*; and, after deducting the charges of prosecuting the same from the gross produce thereof, the remainder shall be given, one third to his Majesty, his heirs and successors, one other third to the governor of the said island, and the other third to the officer or officers of the customs who shall seize and prosecute for the same.

Goods imported contrary to this act, to be forfeited.

How to be divided.

VI. And it is hereby further enacted by the authority aforesaid, That this act shall continue in force from the commencement thereof until the twenty-fifth day of *March*, one thousand seven hundred and eighty-six.

Continuance of this act.

The Form of the Licence directed by this Act.

By the commissioners for managing and causing to be levied and collected his Majesty's customs, subsidies, and other duties, in [*where*].

WHEREAS [name of the person], *one of his Majesty's subjects residing at* [place where], *hath given notice to us the commissioners of his Majesty's* [customs in *Great Britain*, *or*, revenue in *Ireland*], *that he intends to lade at* [some port of the United States in *America*], *and import into* [some part of *Newfoundland*], *in the* [ship's name], *being a* British-*built ship*, [describing the tonnage, and what sort of vessel], *navigated according to law, whereof* [master's name] *is master, bound to* [where]; *and it appearing by the register of the said ship the* [ship's name], *whereof* [master's name] *is master, that the said ship the* [ship's name] *was built at* [place where], *and owned by* [owner's name], *residing at* [place where], *all his Majesty's* British *subjects, and that no foreigner, directly or indirectly, hath any share, part, or interest therein:*

Now be it known that the said [person's name] *hath licence to lade on board the said ship* [ship's name], *at and from any port or place belonging to the United States of* America, *bread, flour, and live stock, the produce of the said United States, and no other article whatsoever, and to carry the said bread, flour, and live stock, to some port or place on the island of* Newfoundland, *or the adjacent islands to his Majesty belonging; and on the arrival of the said ship at any port, harbour, or place of discharge in* Newfoundland, *or the adjacent islands to his Majesty belonging, the master or person having the charge or command of the said ship is required and enjoined to deliver up the said licence to the collector, or other proper officer of his Majesty's customs there, and to indorse on the back thereof, the marks, numbers, and contents of each package of bread or flour, and the description and tale of each sort and species of live stock, on penalty of one hundred pounds; and shall thereupon receive a certificate thereof from the said collector, or other proper officer of the customs.*

This licence to continue in force for calendar months from the date hereof.

Signed by us the at the this day of one thousand seven hundred and

Licence to import bread, flour, and live stock, the produce of the United States of America, *into* Newfoundland.

CAP. II.

An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and eighty-five.

Malt act of 1 Geo. 3. c. 3. sect. 1. further continued to June 24, 1786. Sect. 2. The following duties to be paid in Scotland for malt, mum, cyder, and perry. Malt to pay 3d. per bushel: mum 10s. per barrel: cyder and perry made for sale, 4s. per hogshead. These duties to be raised, &c. by virtue of all or any act in force concerning the duties on malt, &c. Sect. 3. 20,000l. to be raised in Scotland. In case of deficiency, an additional duty to be laid on malt. Surplus to be applied to the fisheries. This act to relate to the same day and time as the act 1 Geo. 3. did. Malt brought from Scotland by sea to be entered at the port of landing: brought by land, to be entered at Berwick or Carlisle. Malt not duly entered and duty paid to be forfeited. Cyder or perry for distilling not chargeable. Distiller to give notice in writing to officer when he distills cyder or perry. 5l. penalty for neglect. Maltsters, for every 20 quarters of grain made into malt for exportation, to be allowed 30 quarters, according to an act 1 W. & M. c. 12. On certificate of malt being exported, and security given, allowance to be paid. Penalty on relanding. Every steeping of malt for exportation to be kept separate till measured. Maltsters to give notice to officers, &c. Penalty on clandestinely opening the locks, &c. of any storehouse 100l. Maltsters, on June 24, 1785, to clear out of their storehouses all malt for exportation within 15 months, on pain of forfeiting 50l. All maltsters, after June 24, 1785, shall clear their storehouses every fifteen months, on penalty of 50l. Clauses in an act 12 Annæ, stat. 1. c. 2. and 6 Geo. 1. c. 21.

c. 21. recited. 5s. per bushel penalty on all corn steeping or steeped for making malt, which shall be found in the cistern or couch so hard and compact, as it could not be unless the same had been forced together to prevent the rising. 100l. penalty on fraudulently conveying from the cistern, &c. any steeping of corn, and mixing the same with other corn charged with the duty in the couch; or fraudulently conveying the same away, so that no gauge of such corn can be taken in the couch. How penalties are to be recovered. Buyers of cyder and perry for their private use not to be charged. Persons selling less than 20 gallons to be deemed retailers. Persons sued for any thing done in pursuance of this act, may plead the general issue, and shall have treble costs. Clauses in an act 6 Geo. 3. c. 14. recited. Where the duty granted by this act on cyder or perry, in custody of a factor, shall be certified to have been charged, the factor shall be discharged thereof. Clause of loan at 4l. 10s. per cent. Tallies of loan to be struck, &c. Orders to be registered and paid in course. No fee for registering, &c. Penalties for undue preference. It shall not be deemed undue preference where tallies are dated or brought the same day: nor if subsequent orders be paid before such as were not demanded in course. Orders assignable. Commissioners of the treasury impowered to prepare any number of exchequer bills of one common sum, or different sums, in the principal monies. Bills to bear interest at 4l. 10s. per cent. per ann. These bills to be numbered arithmetically. Treasury to direct the course of payment for loans or exchequer bills, and to appoint cheques, &c. The bills to be placed as cash in the offices of the tellers of the receipt of exchequer; to be issuable thereout in common with other monies, and to be current in the revenue. Receivers to exchange bills for ready money. Penalty on refusal. Tallies to be levied for bills lent into the exchequer. Interest to be allowed till payment: except whilst the bills are in the hands of receivers, &c. Bills paid to receivers, &c. to be signed and dated. Bills may be reissued, both for principal and interest. Receivers to keep books. 100l. penalty on receiver neglecting to keep books, &c. Bills filled up by indorsement, or defaced, to be exchanged. Bills not exceeding 5,000l. each, may be made forth at the exchequer. Forging exchequer bills, or indorsement thereon, felony. How the monies are to be applied. Treasury on Sept. 29, 1786, to take an account of all monies raised and discharged. Unsatisfied monies to be paid out of the next aids, or out of the sinking fund. Commissioners to appoint persons to pay off principal sums, which shall from time to time be in course of payment upon exchequer bills. Money, as brought in, to be paid to the paymasters. Bills to be registered in course. When interest to cease. Paymasters liable to the controul of the treasury. Treasury to settle salaries of clerks, &c. and to contract with persons to circulate bills, &c. Contractors not disabled from being members of parliament, &c. Contractors may lower or raise the interest, with consent of treasury. Contractors how to be paid. No fee to be taken by the officers of the exchequer, &c. No fractions of a penny to be paid for interest. Charges to be paid out of the sinking fund, and to be replaced out of the first supplies. Clause of relief for bills lost or destroyed. Bills discharged to be cancelled. Sinking fund appropriated to discharge national debts incurred before Dec. 25, 1716. Deficiency of the malt tax 23 Geo. 3. how to be supplied. Arrears of former duties to be applied in aid of the supplies granted for the year 1785.

CAP. II.

An act for the regulation of his Majesty's marine forces while on shore, — Same as former years.

CAP. IV.

An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and eighty-five. — Four shillings in the pound.

VII. *And whereas doubts have arisen as to the qualification by law required of the master of his Majesty's household, the first clerk of the household, the clerk of the kitchen, and several officers who, in virtue of their offices, have heretofore acted, or may hereafter act, as commissioners for putting into execution so much of several acts of parliament, for granting an aid to his Majesty by a land tax, as relates to the assessment on the palaces of* Whitehall *and* Saint James,

Qualification required of the master of the household, &c.

be it enacted, That no other qualification shall be required of any such officers, who shall act as commissioners by virtue of their offices or places, than the possession of such respective offices or places; and that no such officer shall be subject or liable to any penalty inflicted by any such acts, for having heretofore acted without being possessed of any other qualifications, which might have been required by any such acts respectively, than such office or place.

Master of the household, &c. to be commissioners.

VIII. And be it further enacted, That the master of his Majesty's household for the time being, the first and second clerks of his Majesty's household for the time being, shall be commissioners for putting into execution so much of this act as relates to the assessing, ordering, levying, and collecting of the money thereby limited and appointed to be raised in and for the palaces of *Whitehall* and *Saint James*.

Officers in chancery to be assessed in the rolls liberty.

LIV. Provided always, That the right honourable the master of the *Rolls*, the masters in *Chancery*, six clerks, clerks of the petty-bag, examiners, registers, clerks of the inrolments, clerks of the affidavit and *Subpœna* offices, and all other the officers of the court of Chancery that execute their offices within the liberty of the *Rolls*, shall there be assessed for their respective offices, salaries, and other profits, and not elsewhere; and that all

Annuities where to be rated.

annuities, stipends, and pensions, payable to any officers in respect of their offices, shall be taxed and assessed where such officers are rated and assessed for their offices, and not elsewhere;

Pensions to be assessed where payable;

and that all other pensions, stipends, and annuities, in *England*, *Wales*, and *Berwick upon Tweed*, not charged upon lands, shall be charged and assessed in the parishes or places where they are payable; and every person who is or shall be rated, in *England*,

personal estates, where persons resident, &c.

Wales, or *Berwick upon Tweed*, for or in respect of any personal estate to him or her any ways belonging, shall be rated at such place where he or she shall be resident at the time of the execution of this act; and all persons not being householders, nor

Persons not householders, where resident.

having a certain place of residence, shall be taxed at the place where they shall be resident at the time of the execution of this act; and if any person, who ought to be taxed in *England*,

Absent persons to be rated where they

Wales, or *Berwick upon Tweed*, by virtue of this act, for or in respect of his personal estate, shall, at the time of his assessment,

be

be out of the realm, ſuch perſon ſhall be rated therefore in ſuch county, city, or place, where he was laſt abiding within this realm

were laſt reſident.

CAP. V.

An act for further continuing, for a limited time, an act made in the twenty-third year of the reign of his preſent Majeſty, intituled, "An act for preventing certain inſtruments from being required from ſhips belonging to the United States of America; and to give to his Majeſty, for a limited time, certain powers for the better carrying on trade and commerce between the ſubjects of his Majeſty's dominions, and the inhabitants of the ſaid United States;" and for continuing, for a limited time, an act made in the twenty-fourth year of the reign of his preſent Majeſty, intituled, "An act to extend the powers of an act, made in the twenty-third year of his preſent Majeſty, for giving his Majeſty certain powers for the better carrying on trade and commerce between the ſubjects of his Majeſty's dominions, and the inhabitants of the United States of America, to the trade and commerce of this kingdom with the Britiſh colonies and plantations in America, with reſpect to certain articles therein mentioned. — Continued till April 5, 1786.

CAP. VI.

An act for puniſhing mutiny and deſertion; and for the better payment of the army and their quarters. — Number of forces 18,053, including 2,030 invalids.

Deſerter may be adjudged to ſerve in any corps abroad for life, or for a term of years;

VII. And be it further enacted and declared, That in the caſe of any ſoldier tried and convicted of deſertion, whenſoever the court-martial, which ſhall paſs ſentence upon ſuch trial, ſhall not think the offence deſerving of capital puniſhment, ſuch court-martial may, inſtead of awarding a corporal puniſhment, adjudge the offender, if they ſhall think fit, to ſerve as a ſoldier in any of the corps ſtationed in any of his Majeſty's dominions beyond the ſeas, or in foreign parts, for life, or for a certain term of years, according to the degree of the offence: and if ſuch ſoldier ſhall afterwards (without leave from his Majeſty, or from the commanding officer of the corps in which he ſhall be appointed to ſerve) return into this realm, or the kingdom of *Ireland*, before the expiration of the term limited by ſuch ſentence, and ſhall be convicted thereof by a court-martial, he ſhall ſuffer death.

but returning without leave before expiration of ſuch term, he ſhall ſuffer death.

Proceedings of courts, or entries, or copies thereof, not liable to ſtamp-duties.

X. Provided alſo, and be it further enacted and declared, That none of the proceedings, of any general or regimental court-martial, nor any entry, or copy thereof, ſhall be charged or chargeable with any ſtamp-duty whatſoever, any thing contained in any former act or acts to the contrary notwithſtanding.

Soldiers, while confined for debt, not to receive pay.

LXVI. And be it enacted by the authority aforeſaid, That from the paſſing of this act, no ſoldier, being arreſted or confined for debt, in any priſon, gaol, or other place, ſhall be intitled to any part of his pay from the day of ſuch arreſt or confinement, until the day of his return to the regiment, troop, or company, to which he ſhall belong.

Where any corps beyond ſeas ſhall be relieved in order to return home, ſuch of the men as ſhall chuſe may be inliſted and incorporated with thoſe appointed to remain; the occaſion of quitting ſuch former corps to be recited in the inliſting certificate.

LXXVII. And be it further enacted, That when and as often as any regiment or company ſhall be relieved at any ſtation or place beyond the ſeas, in order to their return to *Great Britain* or *Ireland*, it ſhall and may be lawful for any officer or officers, thereunto authorized by the commander in chief at ſuch ſtation or place reſpectively, to inliſt as many of the ſoldiers belonging to ſuch regiment or company, returning to *Great Britain* or *Ireland*, as ſhall be willing, and who ſhall appear to be fit for ſervice, and to incorporate them in any regiment or company which ſhall be appointed to remain; and every ſoldier ſo inliſted ſhall be, and is hereby deemed to be, diſcharged from the regiment or company in which he before ſerved; and the occaſion of his quitting ſuch former corps ſhall be recited in the inliſting certificate; a duplicate, or an atteſted copy whereof, ſhall be delivered to ſuch ſoldier, to protect him from being any-ways moleſted upon ſuſpicion of his having deſerted.

In what caſes this act ſhall extend to Jerſey, Guernſey, &c.

LXXVIII. And be it further enacted by the authority aforeſaid, That this act ſhall be conſtrued to extend to the iſlands of *Jerſey*, *Guernſey*, *Alderney*, *Sark*, and *Man*, and the iſlands thereto belonging, as to the clauſes therein for muſtering and paying, and to the proviſions for the trial and puniſhment of officers and ſoldiers who ſhall be charged with mutiny or deſertion, or any other of the offences which are by this act declared to be puniſhable by the ſentence of a general court-martial; and alſo to the clauſes which relate to the puniſhment of perſons who ſhall conceal deſerters, or ſhall knowingly buy, exchange, or otherwiſe receive, any arms, clothes, caps, or other furniture, belonging to the king, from any ſoldier or deſerter, or who ſhall cauſe the colour of ſuch clothes to be changed.

This act not to extend to the militia farther than is directed by the militia laws:

LXXIX. Provided always, That nothing in this act contained ſhall extend, or be any-ways conſtrued to extend, to concern any of the militia forces of this kingdom, or in *Jerſey*, *Guernſey*, *Alderney*, *Sark*, or *Man*, or the iſlands thereto belonging, excepting only in ſuch caſe wherein, by any act for regulating the militia forces in that part of *Great Britain* called *England*, the proviſions contained in this act, or in any act for puniſhing mutiny and deſertion, which ſhall be then in force, are extended and meant to take place in reſpect of the officers of the militia, and private militia men, within that part of *Great Britain* aforeſaid; and alſo except ſo far as relates to the muſtering of the militia forces of this kingdom, according to the proviſions herein-after mentioned.

exception.

As often as it ſhall be neceſſary, officers of the land and marine

LXXX. *And whereas it may be expedient in certain caſes, and particularly in ſuch matters wherein any of his Majeſty's marine forces may be intereſted, that officers of the marines ſhall be aſſociated with officers of the land forces, for the purpoſe of holding courts-martial*; be it enacted and declared, That when and as often as it may be neceſſary, it ſhall and may be lawful for officers of the land and marine forces to ſit in conjunction upon courts-martial, and to proceed in the trial of any officer or ſoldier of the

land

land forces, in like manner, to all intents and purposes, as if such courts-martial were composed of officers of the land forces only; and the officers of the land and marine forces are, in such cases, to take rank according to the seniority of their commissions in either service.

forces may sit in conjunction upon courts-martial; taking rank according to the seniority of their commissions.

LXXXI. *And, for the better ascertaining the number of effective men of the regiments of militia, when embodied and in actual service*, be it enacted by the authority aforesaid, That, from and after the passing of this act, every regiment or corps of militia and fencible men, when embodied and in actual service, shall be regularly mustered by commissaries appointed for that purpose, in the same manner, and as often as the army is usually mustered; and the magistrates shall have the same powers and authorities, and both officers and men shall be subject to the same regulations, restrictions, and penalties, as are imposed on the officers and soldiers of the army by virtue of this act.

Militia and fencible men, when in actual service, to be regularly mustered, &c.

LXXXII. *And whereas the time of service in the militia is limited to three years*, be it enacted by the authority aforesaid, That the officer commanding each regiment or corps of militia, or fencible men, shall certify, on the back of the muster-roll, the names of those men who are within six months of the time of the expiration of their service, and also the number of men which have been inrolled since the last muster, distinguishing the ballotted men from the substitutes; and every man so inrolled shall be intitled to receive his pay from the time of his inrollment.

Names of militia men, &c. who are within six months of the expiration of their service, to be certified on the back of the muster-roll.

LXXXIII. And be it further enacted by the authority aforesaid, That this act shall be and continue in force, within the realm of *Great Britain*, from the twenty-fourth day of *March*, in the year of our Lord one thousand seven hundred and eighty-five, until the twenty-fifth day of *March*, in the year of our Lord one thousand seven hundred and eighty-six; and shall be and continue in force, in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the islands thereto belonging, as to such parts thereof as relate to those places respectively, from the thirtieth day of *April*, in the year of our Lord one thousand seven hundred and eighty-five, until the first day of *May*, in the year of our Lord one thousand seven hundred and eighty-six; and shall be and continue in force, within the garrison of *Gibraltar*, and in his Majesty's other dominions beyond the seas, as to such parts thereof as relate to those places respectively, from the twenty-fourth day of *March*, in the year of our Lord one thousand seven hundred and eighty-six, until the twenty-fifth day of *March*, in the year of our Lord one thousand seven hundred and eighty-seven.

Continuance of this act.

CAP. VII.

An act for the more easy and speedy recovery of small debts, within the town and port of Faversham, the hundreds of Faversham and Boughton, and the several parishes of Ospringe, Seasalter, and Whitstable, in the county of Kent.

A court

A court instituted, to be called, The Court of Requests in the Town and Port of Faversham; to be held weekly, before three or more commissioners, to recover debts above 2s. and under 40s. (except for rent on lease, or where title may come in question, or on real contract, or on will, or matrimonial contract, or other ecclesiastical matter, or wagers, or won at play, or on penal statute, or bye law, or on promise made above six years before summons).

CAP. VIII.

An act for defraying the charge of the militia in that part of Great Britain called England for one year, beginning the twenty-fifth day of March, one thousand seven hundred and eighty-five. —— Same as former years.

CAP. IX.

An act for paving, cleansing, and lighting The High Street, and other places within the town of Huntingdon, and for removing and preventing nuisances and annoyances therein. —— May raise 600l. by mortgage of rates or on annuities.

CAP. X.

An act for building a new gaol, a penitentiary house, and certain new houses of correction, for the county of Gloucester, *and for regulating the same.*

Preamble.

WHEREAS *the present gaol and houses of correction for the county of* Gloucester *are very ill constructed, and neither sufficiently spacious, nor in other respects well adapted for the reception of prisoners: and whereas by an act made in the nineteenth year of his present Majesty,* (*intituled,* An act to explain and amend the laws relating to the transportation or other punishment of certain offenders), *his Majesty is enabled to appoint supervisors for building two penitentiary houses, for confining and employing in hard labour such persons convicted of transportable crimes within* England *or* Wales, *as are therein mentioned, with a limitation of the number of convicts to be sent to the said two penitentiary houses from the respective circuits and places within* England *and* Wales, *as therein divided and described; and in the mean time, till certificate shall be made, in manner therein mentioned, that such penitentiary houses are fitted and completed for the reception of offenders, the court in which any such offenders as are therein-before described shall be convicted, or any other court for the same place, with like authority, is enabled to order such offenders to be kept to hard labour in the respective houses of correction, or other proper places, within each county, which, during the said time, are to be deemed penitentiary houses in manner therein mentioned; and the justices of the peace for every county, at their several quarter sessions to be holden next after the feast of* Saint Thomas the Martyr, *in the year one thousand seven hundred and seventy-nine, or at any adjournment of the same sessions, are thereby required to give directions for the temporary reception, safe custody, employment, and due regulation of such offenders, the expences of which, being previously examined and allowed by the justices at their*

19 Geo. 3. c. 74. sect. 5. recited.

quarter sessions, are directed to be paid by the treasurer of each county: and whereas two penitentiary houses for England *and* Wales *have not been erected in pursuance of the said recited act, nor hath any house of correction been fitted and prepared as a temporary penitentiary house for the county of* Gloucester: *and whereas it may be of great publick utility, that a house of correction to be used as a penitentiary house should be built for the particular purpose of confining such transportable and other convicts within the same county, as well in respect to the uncertainty when the two general penitentiary houses for* England *and* Wales *may be built, as in respect of the small proportion of offenders which will be receivable therein from the circuit to which the county of* Gloucester *belongs; and it is absolutely necessary that a new county gaol, and several houses of correction, should be built, for the use of the said county:* may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all persons who are now, or shall hereafter for the time being be acting justices of the peace for the county of *Gloucester*, shall be, and they are hereby constituted commissioners for building a new gaol and a penitentiary house, and certain new houses of correction, for the county of *Gloucester*, and for executing such of the powers of this act as are herein-after entrusted to them the said commissioners. Commissioners.

II. *And, in order to continue a sufficient number of acting commissioners for executing the powers of this act,* be it further enacted, That if any person, hereby constituted a commissioner, shall neglect to act as such for one year after the passing of this act, or after his becoming an acting justice of the peace for the county of *Gloucester*, or if, by writing under his hand, to be delivered to the chairman of any meeting of the said commissioners, he shall signify his intention not to act as a commissioner, every such person shall forfeit the right of being a commissioner, hereby given to acting justices of the peace for the said county, and shall be incapacitated from acting as a commissioner, unless he shall be afterwards elected a commissioner under the power of election herein given; and if any person, having begun to act as a commissioner, shall, in manner aforesaid, signify his intention no longer to act as such, or shall not be present at any meeting, and sign his name in the book of proceedings as a commissioners, for two years successively (which last-mentioned omission shall in all cases be considered as a neglecting to act as such), in every such case it shall be lawful for the remaining commissioners, or the greater number assembled at any meeting, at which not less than seven shall be present, to elect one other person, who (if not an acting justice of the peace for the said county) shall be otherwise qualified as herein-after mentioned, in the room of each commissioner so declining or neglecting to act; but notice of the intention to proceed to such election shall be published in some publick newspaper For electing new commissioners.

newspaper circulating in the county of *Glouceſter*, at leaſt eight days before the meeting for ſuch purpoſe.

Qualification of commiſſioners.

III. Provided always, and be it further enacted, That no perſon, except ſuch as ſhall be commiſſioners by virtue of their office as acting juſtices of the peace, ſhall be qualified to act as a commiſſioner under this act, who ſhall not have, in law or equity, to and for his own uſe and benefit, in poſſeſſion, a freehold, copyhold, or cuſtomary eſtate, for life, or for ſome greater eſtate, or an eſtate for ſome term of years, determinable upon one or more life or lives, or for a term certain, originally created for twenty-one years or more, in lands, tenements, or hereditaments, lying or being in the county of *Glouceſter*, of the clear yearly value of two hundred and fifty pounds, over and above what will ſatisfy or diſcharge all incumbrances affecting the ſame, and over and above all rents and charges payable out of or in reſpect of the ſame; or who ſhall not be ſeiſed of or entitled unto, in law or equity, to and for his own uſe and benefit, the immediate reverſion or remainder of and in lands, tenements, or hereditaments, lying and being as aforeſaid, which are leaſed upon conventionary rents for one or more life or lives, or for ſome term of years determinable upon the death of one or more perſon or perſons, and which are of the clear yearly value of four hundred pounds; and no perſon ſhall be capable of acting as a commiſſioner under this act in any caſe in which he ſhall be intereſted, or in any manner, whilſt he ſhall under this act hold any office, except that of a commiſſioner, or whilſt in his private capacity he ſhall be concerned in any contract or agreement relative to the execution of this act, except lending money or buying annuities on the credit and for the purpoſes thereof.

Penalty on acting, if not qualified.

IV. And be it further enacted, That if any perſon ſhall act as a commiſſioner under this act, not having the requiſite qualification of eſtate or office, or being otherwiſe hereby diſqualified from acting, he ſhall, for every ſuch offence, forfeit one hundred pounds to the treaſurer of the ſaid commiſſioners for the time being, to be applied for the purpoſes of this act, and to be recovered, with full coſts of ſuit, by action of debt, in any of his Majeſty's courts of record at *Weſtminſter*; and in every action for recovery of ſuch penalty, the proof of qualification to act as a commiſſioner ſhall lie on the perſon againſt whom the ſame is brought.

Commiſſioners meetings.

V. And be it further enacted, That the ſaid commiſſioners, or any five or more of them, ſhall meet for executing this act, for the firſt time, at the grand jury room at *Glouceſter*, on the fifth day of *April*, one thouſand ſeven hundred and eighty-five, or as ſoon after as conveniently may be, of which firſt meeting at leaſt eight days previous notice ſhall be given, by advertiſement in ſome publick newſpaper circulating as aforeſaid, ſigned by two acting juſtices of the peace for the ſaid county of *Glouceſter*; and the ſaid commiſſioners ſhall then, and at every ſubſequent meeting, adjourn themſelves from time to time, and place

place to place, as they, or any five or more of them, present at any such meeting, shall think convenient, but no such adjournment shall be made for a longer time than seven calendar months; and if five commissioners shall not attend at the time and place appointed for any such meeting, then the commissioners or commissioner present may make such adjournment; or if no such commissioner shall be present, or if at any meeting it shall be neglected to make an adjournment, then any three or more commissioners may revive and continue the meetings of the said commissioners, by calling one for that purpose, and causing notice to be given of it in some publick newspaper circulating as aforesaid, at least eight days before the day of meeting; and every such meeting, so to be called for the purpose of reviving and continuing the said meetings, shall be adjourned in the like manner; and all such adjournments, and the revivals and continuations of the said meetings, shall be entered by the clerk to the said commissioners in a book hereinafter directed to be kept; and the said commissioners, or any five or more of them, shall have authority, as often as they shall think fit, to call an extraordinary meeting, by a previous notice of at least eight days, to be advertised in such newspaper as aforesaid, specifying the time, place, and purpose of such meeting; and the said commissioners shall at all their meetings pay their own expences; and all orders of the commissioners in executing the powers of this act shall be made at meetings to be held as is before directed; and at every such meeting one of the commissioners present shall be appointed chairman; and all questions and matters shall be determined by a majority of votes of the commissioners present, and the chairman shall not only have a single vote, but, in case of equality of votes, shall have the decisive or casting vote; and all such commissioners as are acting justices of the peace may act as such in matters arising on this act, notwithstanding their being commissioners, except only in cases in which they shall be personally interested; and all orders and proceedings at every meeting shall be entered in a book, to be kept for that purpose by the clerk to the said commissioners, and shall be signed by the chairman of the meeting; and such entries shall be deemed original orders and proceedings, and may be read in evidence in all courts whatsoever; and all such books of proceedings shall be lodged with the clerk to the said commissioners for the time being, and shall and may be perused and inspected, at all seasonable times, by any person assessed to the poor's rate within the county of *Gloucester*, on payment to such clerk of one shilling for each time of inspection, and one shilling more for every hour during which such inspection shall continue after the first hour; and when the commission appointed by this act shall cease, in consequence of the final execution of all the powers hereby intrusted to the said commissioners, such books of proceedings shall be deposited with the clerk of the peace for the said county of *Gloucester*, and be by

Commissioners being justices, may act as such.

Proceedings to be entered in books.

Disposal of such books.

by him kept and preserved amongst the records of the sessions of the peace for the said county.

Sub-committees. VI. And be it further enacted, That the said commissioners, or any five or more of them, may, if they think fit, nominate and appoint one or more sub-committee or sub-committees, and every sub-committee so appointed shall superintend, regulate, and controul such artificers, officers, and workmen, as shall be employed by the said commissioners, and shall see to the due performance of such contracts and agreements as may be entered into for the purpose of carrying this act into execution; and all orders and instructions signed by the majority of any such sub-committee, provided they do not exceed the limits of the orders of the commissioners at large, shall be binding on such artificers, officers, and workmen.

Commissioners may appoint officers, VII. And be it further enacted, That the said commissioners shall and may appoint a treasurer, a clerk, a surveyor or surveyors, and such other officers, for executing the powers of this act, and take such security from them, as they the said commissioners shall think necessary, and shall, at their pleasure, remove any such officer or officers, and appoint others in the room of such as shall die or be so removed, and out of the monies arising by this act pay such salaries and allowances as they shall think proper to their officers, and all others employed under their authority; and all such clerks, treasurers, surveyors, and all other officers, who may at any time resign or be removed, and the respective executors and administrators of any who may die, shall, within three calendar months after notice given in writing, produce and deliver up to such commissioners, or any one or more of them, all books, accounts, papers, or writings whatsoever, relative to the execution of such respective offices, which shall be in their custody or power; and every such officer or person as aforesaid, neglecting or refusing to deliver up such books, accounts, papers, or writings, shall, for every such neglect, forfeit any sum not exceeding twenty pounds; and if any surveyor, appointed as hereby directed, shall have any part, share, or interest, directly or indirectly, in any contract or bargain for work or materials to be made, done, or provided, on account of any works under his inspection and management, or shall on his own account let to hire any team, or sell or dispose of any timber, stone, or other materials, to be used or employed in performing or carrying on any such works, he shall forfeit the sum of two hundred pounds to the treasurer to the said commissioners for the time being, to be recovered and applied in the manner and for the purposes aforesaid: provided always, That no treasurer shall at any time be appointed or removed, unless seven commissioners at the least be present, nor shall any clerk, surveyor, or other officer, be so appointed or removed, unless five commissioners at the least be present at the time of such appointment or removal; but publick notice, of eight days at the least, shall be given, in some newspaper circu-

and allow them salaries.

circulating as aforesaid, of the intention to proceed to the appointment of any treasurer or clerk; and no order of the said commissioners, for the removal of any such treasurer or clerk, shall have any effect, until it shall have been confirmed at a subsequent meeting of a like number of seven, or five at least, of the said commissioners, as the case may require, of which subsequent meeting a like publick notice, of eight days at the least, shall be given as aforesaid.

Commissioners may sue and be sued in the name of their clerk.

VIII. And be it further enacted, That the said commissioners may sue or be sued in the name of their clerk, and that no action that may be brought or commenced by or against the said commissioners, or any of them, by virtue of this act, in the name of their clerk, shall abate or be discontinued by the death or removal of such clerk, or by the act of such clerk, without the consent of the said commissioners, or any five or more of them; but the clerk to the said commissioners for the time being shall always be deemed plaintiff or defendant in such action, as the case shall be.

For fixing on ground for building gaol and houses of correction.

IX. And be it further enacted, That the said commissioners, or any seven or more of them, shall, with all convenient speed, after the passing of this act, fix upon such piece or pieces of ground, within the city and county of *Gloucester*, or one of them, for building thereon a new gaol, a penitentiary house, and a new house of correction, and also such pieces of ground, within the county of *Gloucester*, for building thereon four other new houses of correction, as shall appear most commodiously situate; and in so fixing shall more particularly have regard to the airiness, dryness, and healthiness of the situation, the accommodation of water, the avoiding all ill smells, and being over-looked, and for that purpose to the keeping at a proper distance from the centre of any populous town, and yet being near enough to some town for the purpose of accommodation and security, and also to the placing such new gaol and penitentiary house, and one of the said five houses of correction, as near to the county hall in the city of *Gloucester* as may be, consistently with the aforesaid directions, and to having the said four other houses of correction so distributed throughout the county of *Gloucester*, as shall appear to them most likely to correspond with the general convenience of the said county.

Such fixing not valid till confirmed at future meeting.

X. *And, in order to prevent any precipitancy in fixing upon such pieces of ground for the said gaol, penitentiary house, and houses of correction*, be it further enacted, That no order of the said commissioners in that instance shall have any force till it shall have been confirmed by the commissioners, or any seven or more of them, present at a second meeting, to be holden at least fourteen days from the day of making such order, of which second meeting, and the purpose thereof, eight days notice at least shall be given by the clerk of the said commissioners, by advertisement in such newspaper as aforesaid: provided always, That nothing herein contained shall any-ways affect or prejudice the rights

Reserving the rights of the borough of Tewkesbury.

rights and privileges of the bailiffs, burgeſſes, and commonalty of the borough of *Tewkſbury*, within the ſaid county.

Commiſſioners to purchaſe the premiſes.

XI. And be it further enacted, That when and as ſoon as ſuch pieces of ground for ſuch new gaol, penitentiary houſe, and new houſes of correction, ſhall be ſo fixed upon, the ſaid commiſſioners, or any five or more of them, are hereby authoriſed to contract for the abſolute purchaſe in fee ſimple of the ſaid pieces of ground reſpectively, together with any houſes or buildings thereon, or that ſhall be ſtanding within fifteen yards of the intended boundary wall, for the purpoſe of erecting the ſaid new gaol, penitentiary houſe, and new houſes of correction, and for obtaining a clear ſpace of ground ſurrounding the ſame, in manner, and for the purpoſes herein-after directed; and the pieces of ground, and houſes or buildings, ſo to be purchaſed, ſhall be conveyed to the cuſtos rotulorum of the ſaid county of *Glouceſter* for the time being, and his ſucceſſors, ſuch cuſtos rotulorum being hereby conſtituted a corporation ſole, in order for him and his ſucceſſors to hold the ſaid pieces of ground, and the intended new erections and buildings thereon, in perpetual ſucceſſion, for the purpoſes of this act; and any ſuch lands, houſes, or buildings, as may be ſituate within the city of *Glouceſter*, which ſhall be ſo purchaſed and conveyed as aforeſaid, and which ſhall be encloſed within the boundary wall of ſuch new gaol, penitentiary houſe, and houſe of correction adjoining thereto, ſhall be deemed and taken to be part of the county of *Glouceſter*.

All perſons enabled to ſell and convey.

XII. And be it further enacted, That it ſhall be lawful for the King's moſt excellent majeſty, his heirs and ſucceſſors, and for all bodies corporate, and all feoffees in truſt, executors, adminiſtrators, huſbands, guardians, committees, or other truſtees whatſoever, for and on the behalf of themſelves, their heirs and ſucceſſors, infants, iſſue unborn, lunaticks, ideots, femes covert, and ceſtuique truſts, and for all other perſons whomſoever, who are or ſhall be ſeiſed or poſſeſſed of or intereſted in any lands, tenements, or hereditaments, which ſhall be fixed upon as aforeſaid, to contract and agree with the ſaid commiſſioners, or any five or more of them, for the ſale thereof, or for their intereſt therein, and to convey the ſame unto the cuſtos rotulorum of the ſaid county of *Glouceſter* for the time being, and his ſucceſſors, as is herein-before directed; and ſuch contracts, agreements, and ſales, ſhall be valid to all intents and purpoſes, any law, ſtatute, ſettlement, or other matter or thing whatſoever, to the contrary thereof in anywiſe notwithſtanding, and all ſuch perſons are hereby indemnified for making the ſame.

If parties do not agree, the buſineſs referred to a jury.

XIII. And be it further enacted, That if any ſuch bodies corporate, truſtee or truſtees, or other perſon or perſons intereſted in any ſuch houſes, buildings, lands, tenements, or hereditaments, upon a notice of fourteen days from the ſaid commiſſioners, or any five or more of them, given or left in writing

writing at the dwelling house of the chief officer belonging to any such body corporate, or of any such person or persons as aforesaid, or at the house of the tenant in possession, shall not agree with the said commissioners, or any five or more of them, for the sale of any such lands, tenements, or hereditaments, or any part thereof, or for their interest therein, or if, by reason of absence or incapacity, they shall be prevented from treating for such sale, then, and in every such case, the justices of the peace for the county of *Gloucester*, at their general or quarter sessions, or at any adjournment of the same, may and shall, and they are hereby impowered and required, to cause the same to be inquired into and settled by a jury, in the same manner, and under the same powers, regulations, restrictions, penalties, and determinations, as in and by an act of the twenty-fourth year of his present Majesty's reign, (intituled, *An act to explain and amend an act, made in the eleventh and twelfth years of the reign of King* William *the Third, intituled,* An act to enable justices of the peace to build and repair gaols in their respective counties; *and for other purposes therein mentioned*); are prescribed, given, and directed, for ascertaining the value of houses, buildings, lands, tenements, hereditaments, easements, or privileges, which should be deemed necessary for the purposes of building or enlarging any gaol, and other the purposes of that act. 24 Geo. 3. c. 54.

XIV. *And whereas* Gloucester *castle is the present gaol for the county of* Gloucester, *and the scite thereof, and part of the land belonging thereto, may be deemed an eligible situation for the said new gaol, and also for such penitentiary house, and one of such new houses of correction as aforesaid: and whereas his Majesty, in right of his crown, is seised of the fee-simple and inheritance of the said castle, and the lands thereunto belonging; and* Benjamin Hyett *esquire, by virtue of a grant of the office of constable of the castle of* Gloucester, *(made by his present Majesty to* Nicholas Hyett, *for three lives), hath, in right of his office, possession of the said castle, and lands thereunto belonging, except the part lying within the high wall inclosing the court yard belonging to the said castle, which said part is, by a covenant in the grant, directed to be demised by lease, to be renewed from time to time, for certain considerations, to certain trustees, in trust for the said county; and which part has been, for a long time past, and is now used for the county gaol:* be it therefore enacted, That, on application of the said commissioners, or any five or more of them, to his Majesty, or his heirs and successors, for a grant of the fee-simple of such part of the castle, and so much of the lands and buildings belonging thereto, as may be thought necessary for the purposes of building the said gaol, penitentiary house, and one of the said houses of correction, with the courts and airing grounds suitable thereto, it shall be lawful for his said Majesty, his heirs and successors, to make a grant accordingly to the custos rotulorum of the said county for the time being, and his successors, as a corporation in perpetual succession, in trust for the purposes of this act; and after such grant shall be made, the estate and interest of and in the said part of the

The fee-simple of the castle and present gaol is in his Majesty.

Benjamin Hyett esquire, hath a grant of the office of constable, and possession of the castle and lands, except the part now used for a gaol.

His Majesty may grant his right.

Mr. Hyett's interest to be purchased.

the said castle, and lands and buildings, as aforesaid, now in the said *Benjamin Hyett*, in right of his said office, shall be purchased by the said commissioners, or any five or more of them, under the powers herein-before given to them; and such estate or interest, as is so subsisting in the aforesaid trustees for the use of the said county, shall, from the time of completing such purchase from the said *Benjamin Hyett*, absolutely cease and determine.

How land to be purchased shall be taxed in future.

XV. And be it further enacted, That in all future rates, taxes, and levies, to be made for any parish or place in the county of *Gloucester*, within which any land or ground to be purchased for the purposes of this act shall be situate, such land or ground, with any building to be erected thereon, shall not be assessed to any such rates, taxes, and levies, at an higher value or more improved rent than the same land or ground was at the time of such purchase; nor shall any building or buildings, which under this act shall be erected on such land, be assessed to any house or window tax; any act or acts of parliament to the contrary notwithstanding.

Power to get materials for building.

XVI. And be it further enacted, That the said commissioners, or any five or more of them, shall and may, and they are hereby authorised to impower their agents or workmen to dig, take, and carry away, any soil, clay, sand, gravel, or stone, and to manufacture the same for the purpose of building, carrying on, finishing, and completing, all or any of the gaols, houses of correction, or other buildings, hereby directed to be built, out of, upon, or from any common or waste land, river, or brook, without paying any thing for the same, they causing all pits or quarries made by such digging and taking to be filled up, or railed and fenced, so as not to be dangerous to passengers or cattle; or, where there is not sufficient of such materials to be procured from any common or waste land, river, or brook, contiguous to any building carrying on under this act, the said commissioners, or any five or more of them, are in like manner impowered to authorise their agents and workmen to search for, dig, take, manufacture, and carry away, any such materials as aforesaid, in, upon, or out of, from, and over the lands of any person or persons (not being ground built on, or a yard, garden, or park, or land improved as pleasure ground, previous to the time of passing this act), paying or tendering satisfaction for the same, as herein-after directed; and if any person whosoever, not hereby authorised, shall take away any materials so dug or got in any lands, waste grounds, or rivers, or shall dig or take away any materials out of any pit or quarry made or opened for the above purpose, before the said agents or workmen shall have discontinued working therein for the space of twenty-one days (except the owner or occupier of any private ground, or persons authorised by such owner or occupier, to get materials therein for his own private use only, and not for sale), every person so offending shall forfeit, for every such offence, the sum of forty shillings.

XVII. *And, inasmuch as it is essential to the healthiness and convenience of the said intended prisons, that they should be constantly and uninterruptedly supplied with a current of fresh water*, be it therefore further enacted, That it shall and may be lawful to and for the said commissioners, or any five or more of them, their agents and workmen, without any hindrance or interruption, to enter upon any lands adjoining or contiguous to any such intended gaol, penitentiary house, or house of correction, and there to search for any spring or stream of water, and to make any cut, channel, drain, or watercourse, and dig, fix, or build any reservoir or other works, as may appear necessary for conducting any such spring or current of water into, and effectually draining or discharging the same out of, any such new gaol, penitentiary house, or house of correction; and also to and for all other agents and workmen, being hereafter duly authorised to repair the said gaol, penitentiary house, or houses of correction, in like manner, from time to time, and as often as there shall be occasion, to enter into and upon any such lands or grounds, for the purpose of cleansing, scouring, repairing, or amending such cut, channel, drain, watercourse, reservoir, or other works; and all and singular the cuts, channels, drains, watercourses, reservoirs, or other works, so to be made, shall be vested in the custos rotulorum of the county of *Gloucester* for the time being, and his successors, as a corporation sole, in trust for the purposes of this act, and shall be part of the said county of *Gloucester*: provided always, That no house used for habitation shall be deprived of the use of any spring or current of water from which it has usually been supplied, nor shall any field, having a watering place, be deprived thereof; and any person who shall wilfully close up, divert, or injure any such cut, channel, drain, watercourse, reservoir, or other works, or disturb the water conveyed therein, shall forfeit a sum not exceeding ten pounds, nor less than forty shillings. For obtaining a supply of fresh water.

XVIII. And be it further enacted, That in respect of all damages that may accrue to any owners or occupiers of lands or grounds, by getting materials as aforesaid, or by carrying water on or over any such lands, or by digging or making any watercourse, reservoir, drain, or other works, for conducting water as aforesaid, and also in respect of all and every other damage or damages arising by reason or means of the execution of any of the powers herein contained, and which is or are not herein specially provided for, the said commissioners, or any five or more of them, shall cause a reasonable satisfaction for the same to be made, from time to time, within three calendar months after such damage or damages shall happen, on application being made, by the respective land-owners, or other persons aggrieved, for that purpose; and in case the said commissioners, or their agents, and the said land-owners, or other persons aggrieved, cannot agree upon such satisfaction, or the said land-owners, or other persons aggrieved, shall refuse to treat, or by Recompence for damage to land in getting water.

reason of absence shall be prevented from treating, or through disability, nonage, coverture, or other impediment, cannot treat for themselves, or make such agreement, as shall become necessary, then the said satisfaction shall be determined by the justices of the peace for the county of *Gloucester*, at their general or quarter sessions, on eight days notice of such appeal or application being given, by the party appealing, to the clerk to the said commissioners; and the justices as aforesaid are hereby authorised to hear and examine witnesses on oath or affirmation, and to order the satisfaction so determined to be paid to the party or parties aggrieved, by the treasurer to the said commissioners, and such determination of the justices shall be final and conclusive to all parties; and in case such treasurer shall neglect, for twenty-one days next after such order, to pay the satisfaction so determined, the party or parties aggrieved shall and may recover the amount thereof, by action of debt, against the said treasurer for the time being, in any of his Majesty's courts of record at *Westminster*.

Foot ways on the outside of boundary walls.

XIX. And be it enacted, That a space of five feet on the outside of the boundary wall of every prison to be built under this act, shall be considered as a publick foot way for ever; and all roads and ways leading to or surrounding the said gaol, penitentiary house, and houses of correction, shall be considered as publick highways, and shall from time to time be repaired as such.

For securing a free circulation of air.

XX. *And, for the more effectually securing a free circulation of pure and wholesome air, and thereby preventing the gaol fever, and other malignant diseases*, be it further enacted, That, from and after the time that any ground shall be determined on and set out for any gaol, penitentiary house, or houses of correction, hereby directed to be built, no person shall erect any house or building, put, or pile, or set up any pole, timber, earth, dung, hay, straw, wood, rubbish, or other thing (otherwise than for a fence, which shall not exceed five feet in height), or keep any swine, nearer to the boundary wall of such gaol, penitentiary house, or house of correction, than fifteen yards; and every person offending in any such case, and continuing such offence for the space of ten days after notice to discontinue the same, or to remove the cause thereof, shall forfeit a sum not exceeding ten pounds, nor less than forty shillings; and the cause of such offence shall be removed by the order of any two justices of the peace for the county of *Gloucester*, and the offender shall forfeit and pay, over and above the said penalty hereby directed, the charges and expences of such removal; and if any tree shall at any time be growing, standing, or extending within such distance, the same shall be cut down by the occupier or occupiers of the land whereon the same shall be, on notice given to him or them by the clerk of the peace for the county of *Gloucester*; and in case such tree shall not be cut down within ten days after such notice, the justices of the peace for

for the said county, at their general or quarter sessions, may order such tree to be cut down and sold, for the purposes of this act.

For building a new gaol, penitentiary house, and other houses of correction.

XXI. And be it further enacted, That the said commissioners, or any five or more of them, shall and may, and they are hereby required, with all convenient speed, after purchasing such pieces of land, and houses or buildings as aforesaid, to cause to be built and erected, on one of the said pieces of land, a new gaol, with a penitentiary house, for the reception of such convicts and offenders as are herein-after described, and also one of the said new houses of correction, so that the same new gaol, penitentiary house, and house of correction, may be contiguous to each other, and be surrounded by an outside wall detached therefrom; and on the remaining pieces of land so purchased as aforesaid, four other new houses of correction; and also to cause the said new gaol, penitentiary house, and houses of correction, to be fitted up and furnished in a complete and effectual manner for the reception of prisoners, as to them the said commissioners, or any five or more of them, shall seem best adapted to answer the purposes of this act, according to the several uses for which the same are hereby respectively appointed; for doing of all which (subject to the directions herein-after particularly given) the said commissioners, or any five or more of them, are hereby authorised to make such contracts, and to employ such artificers, workmen, labourers, and others, and to do all such other things as shall in their discretion appear requisite in the premises, and particularly to pull down the houses or buildings so purchased as aforesaid, and sell or dispose of the materials thereof, as shall be most advantageous for the purposes of this act.

For regulating the plan for building and adjusting the several wards in the new gaol.

XXII. And be it further enacted, That in settling and adjusting the plan for the building such new gaol, and the yards, courts, and outlets thereof, the commissioners are hereby required to have particular regard to the following provisions; (that is to say), That the wards and apartments of the said gaol be so constructed as to allow of a separation, both by night and day, of male from female prisoners, and of debtors and persons in custody for want of sureties, or on exchequer process, or for fines, contempts, or pecuniary penalties, where there can be no corporal punishment, from persons in custody for felonies or other crimes; that there be a convenient number of separate and distinct night cells for felons; and apartments adapted to solitude, and a greater degree of constraint, for the temporary reception of refractory prisoners; and a separate place of confinement for such prisoners as are intended to be examined as witnesses on behalf of any prosecution of any indictment for felony; and also a plain and decent room as a chapel for divine service; and two or more apartments as an infirmary for sick prisoners, in conformity to the statute of the fourteenth year of his present Majesty, (intituled, *An act for preserving the health of prisoners in gaol, and preventing the gaol distemper*); together

14 Geo. 3. c. 59.

gether with such baths as are required by the said act; that there be also provided convenient apartments or places for the use of such prisoners as shall be directed, or may be willing to work for their maintenance whilst in custody; and further, that sufficient offices and apartments be set apart for the occupation of the gaoler, his family, and assistants; and proper and distinct airing grounds for the use of each class of prisoners: and, in order as far as may be to prevent the introduction of infectious disease, that there be provided a lazarette, or ward with separate cells, for the immediate reception of prisoners on their commitment, previously to examination by the surgeon or apothecary; and in or near such ward provision shall be made for washing such prisoners, and for purifying their cloaths.

Directions for constructing the houses of correction.

XXIII. And be it further enacted, That in the construction of the said five new houses of correction, the said commissioners shall observe the several directions prescribed, as well by an act of the twenty-second year of the reign of his present Majesty, (intituled, *An act for the amending and rendering more effectual the laws in being relative to houses of correction*), as by an act of the twenty-fourth year of the reign of his said Majesty, to explain and amend the said act of the twenty-second year of his reign, in respect to such houses of correction as shall be built under the same acts; and, as an addition to the apartments and places thereby required, provision shall be made, as far as conveniently may be, for separately lodging and keeping each individual prisoner; apartments of a greater degree of restraint shall also be provided for the punishment of the refractory, who, under the said two last-mentioned acts, may be ordered to closer confinement; a room shall be set apart as a chapel for the performance of divine service; proper places for the reception of the sick; a bath, and a close room for purifying infected cloaths; and in the arranging the apartments for the governor, there shall be provided a room convenient for the meeting of the visiting justices, or of such other justices of the peace as may be inclined to hold any petty sessions therein.

22 Geo. 3. c. 64.

24 Geo. 3. c. 55.

Directions for constructing the penitentiary house.

XXIV. And be it further enacted, That in the construction of the said new penitentiary house, the following directions shall be particularly attended to by the said commissioners; (that is to say), it shall be formed into two general divisions, one for the confinement of male, the other of female convicts, and of such dimensions as shall appear sufficient for the reception of each class of prisoners hereby intended to be confined in it; and such general divisions shall be farther subdivided into distinct cells for each individual, with apartments for labour, and airing grounds, so disposed as shall appear best adapted to promote the purposes of punishment by solitude and labour; and there shall be a bath, infirmary, and chapel, particularly appropriated to the use of the said penitentiary house, or to which the prisoners therein confined can have all necessary access.

Materials vested in the commissioners.

XXV. And be it further enacted, That all timber, stone, and brick, and other materials to be made use of, or which shall

shall be collected to be made use of, by order of the said commissioners, or any five or more of them, for building and completing any gaol, penitentiary house, house of correction, or other building or work carrying on for the purposes of this act, and which may not be the immediate property of their agents and contractors, shall be vested in the said commissioners, and they, or any five or more of them, are hereby authorised and impowered to bring, or cause to be brought, any action or actions, in the name of their clerk, or to prefer or cause to be preferred any bill or bills of indictment, against any person or persons who shall steal, take away, or damage any such materials, or disturb them in the possession thereof.

For punishing persons obstructing or damaging buildings, &c.

XXVI. And be it further enacted, That if any person or persons shall wilfully and maliciously obstruct the erecting, building, or repairing any gaol, house of correction, boundary wall thereof, or other building hereby directed to be built, or wilfully or maliciously pull down, damage, or destroy the same, or any part thereof, every person so offending, and being lawfully convicted, shall be subject and liable to the like pains and penalties as in cases of felony, and the court by and before whom any such person shall be tried and convicted shall have power and authority to cause such person to be punished in like manner as felons are directed to be punished by the laws and statutes of this realm.

For providing a temporary gaol, if necessary.

XXVII. *And whereas, in case of building the said new gaol on the site of the present gaol for the county of* Gloucester, *it may be necessary to provide a temporary gaol for the said county*; be it therefore further enacted, That in such case it shall and may be lawful for the sheriff of the said county to remove the prisoners in the said present gaol to such house or houses of correction, or other places of confinement, within the same county, as the justices of the peace for the same county shall, at any general or quarter sessions of the peace, appoint, which house or houses of correction, or other proper place of confinement, shall be deemed the common gaol for the said county, until the said new gaol be built, and the prisoners in the custody of the sheriff therein shall be removed therefrom, under the directions hereinafter given for that purpose.

Prisoners to be removed to the new gaol.

XXVIII. And be it further enacted, That when the said new gaol shall be finished, it shall be the common gaol for the county of *Gloucester*, and shall from time to time be repaired and supported by the same ways and means as county gaols in *England* are by law to be repaired and supported, and the sheriff of the said county for the time being shall have the keeping thereof; and when the said new gaol shall be fit for the reception of prisoners, the said commissioners, or any five or more of them, shall cause notice thereof to be given to the sheriff of the said county, who shall with all convenient speed remove to such new gaol all such prisoners as shall be in his custody, which removal shall not be deemed or taken to be an escape.

XXIX. And be it further enacted, That when and as soon

Juſtices power over the new houſes of correction.

as the ſaid five new houſes of correction ſhall ſeverally and reſpectively be completely erected and built, they ſhall be fitted up and furniſhed, by order of the ſaid commiſſioners, or any five or more of them, as houſes of correction are directed to be, by an act paſſed in the ſeventeenth year of his late majeſty King *George* the Second, (intituled, *An act to amend and make more effectual the laws relating to rogues, vagabonds, and other idle and diſorderly perſons, and to houſes of correction*;) and ſo ſoon as ſuch houſes of correction, or any of them reſpectively, ſhall be fit for the reception of offenders, the juſtices of the peace for the county of *Glouceſter* ſhall have the like power and authority over the ſame reſpectively, as they have, by virtue of any law now in force, over thoſe already erected or provided within the ſame county; and the ſaid juſtices, at their firſt general or quarter ſeſſions after each of the ſaid new houſes of correction ſhall be ſo completely erected and furniſhed, ſhall frame a body of orders and regulations for governing and regulating the ſame reſpectively, and for employing, relieving, and puniſhing the perſons therein, according to the true intent and meaning of the ſaid laſt mentioned act, and ſhall then declare the ſame reſpectively to be fit for the reception of offenders, and ſhall make ſuch order for uſing the ſame accordingly, and for transferring offenders from the preſent houſes of correction, as the ſucceſſive completion of the ſaid new houſes of correction ſhall make proper, and the nature of the caſe ſhall require; and when all the ſaid new houſes of correction ſhall be completed, the old houſes of correction for the ſaid county ſhall no longer be uſed as ſuch; and all the ſaid new houſes of correction ſhall, from the time of their being firſt uſed as ſuch, together with the buildings, aqueducts, eaſements, and appurtenances thereto belonging, be repaired and ſupported in the ſame manner as houſes of correction ought to be by the laws and ſtatutes of the realm.

17 Geo. 3. c. 5.

Juſtices may appoint a ſurgeon and apothecary.

XXX. And be it further enacted, That the juſtices of the peace, at their general or quarter ſeſſions for the ſaid county of *Glouceſter*, may, if they think fit, appoint an experienced ſurgeon or apothecary to attend the ſaid penitentiary houſe, and each of ſuch new houſes of correction, at a ſtated ſalary, and may remove him, or vary his ſalary, from time to time; and every ſurgeon or apothecary ſo appointed, ſhall and is hereby directed to report to the ſaid juſtices, at every general or quarter ſeſſions, a ſtate of the health of the priſoners under his care.

Penitentiary houſe to be under management of the juſtices.

XXXI. And be it further enacted, That when the ſaid penitentiary houſe for the county of *Glouceſter* ſhall, under the powers aforeſaid, be erected and fitted up, ſo as to be ready for the reception of offenders, it ſhall be under the care and management of the juſtices of the peace of the ſaid county for the time being, and ſhall from time to time be maintained, ſupported, and repaired by ſuch ways and means, and in ſuch manner, as houſes of correction in this kingdom are by law directed to be; and as ſoon as proper officers, with rules and regulations for the

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government of the same, shall be appointed and made by the justices of the peace for the said county, at their general or quarter sessions, under the powers herein-after given them, the clerk of the peace for the said county shall, by order of the said justices, make certificate thereof to the justices of assize at the next ensuing assizes for the said county, or as soon after as conveniently may be; and from the time of receiving such certificate by such justices of assize, the said penitentiary house shall be made use of as a penitentiary house for the county of *Gloucester*, for the reception and custody of such offenders as are herein-after mentioned; (that is to say), where any person hath been or shall be, at any session of oyer and terminer, or gaol delivery, or at any assize, or any general or quarter sessions of the peace for the county of *Gloucester*, lawfully convicted of any crime or offence, for which he or she shall, by virtue of any statute now in force, or hereafter to be made, be liable to be imprisoned and kept to hard labour within any gaol, house of correction, or other proper place, within the said county, or where any such imprisonment and labour shall at any time be legally ordered as a condition of his Majesty's royal mercy extended to any capital or transportable convict, it shall be lawful for the court before which any such person shall be so convicted, or any court held for the said county, with like authority, or in the case of any offender who shall be so allowed the benefit of a conditional pardon, if no such court shall be sitting, for any judge or justice of the court by or before whom such offender shall have been convicted, to order and adjudge that such person shall be punished by being imprisoned and kept to hard labour in the said penitentiary house, for any term not exceeding the term for which such person was liable to be imprisoned and kept to hard labour in any gaol, house of correction, or other proper place, within the said county of *Gloucester*.

XXXII. *And whereas difficulties frequently occur, which delay the carrying into execution sentences and orders of transportation of convicts to places beyond the seas, from whence great inconveniences arise to the said county of* Gloucester, be it therefore further enacted, That when and as soon as, and at any time after such certificate shall be made by the clerk of the peace for the said county as aforesaid, it shall be lawful for the sheriff or gaoler for the said county, having custody of any offender remaining under sentence of transportation beyond the seas, to cause every such offender to be conveyed to the said penitentiary house, there to remain until he or she be transported, or otherwise removed, according to law, or until he or she, by the expiration of the term of such transportation, or otherwise, shall be entitled to his or her liberty; and the governor of the said penitentiary house shall have the custody of every such offender during his or her continement therein, and every such offender shall be subject to the discipline, regulations, and restrictions herein after provided, or directed to be provided for employing, governing, and treating all offenders [illegible] confined: provided

In what cases transportable persons may be conveyed to the penitentiary house.

provided always, and it is hereby expreſsly declared, That the time during which ſuch offender ſhall ſo continue confined by virtue of this act, ſhall be reckoned in diſcharge, or part of diſcharge, or ſatisfaction, of the term of his or her tranſportation.

A proportion of offenders may be ſent to the national penitentiary houſe.

XXXIII. Provided always, That notwithſtanding a penitentiary houſe is by this act provided for the county of *Glouceſter*, there ſhall or may be ſent from the ſame county, to the national penitentiary houſes to be erected under the ſaid act of the nineteenth year of his preſent Majeſty, or to any other place of reception for tranſportable or other convicts, that may hereafter be provided in lieu thereof, the ſame proportion of offenders, in reſpect of the circuit to which the ſaid county belongs, as if this act had not been made.

How offenders adjudged to hard labour ſhall be conveyed to the penitentiary houſe.

XXXIV. And be it further enacted, That when any offender ſhall be adjudged to be kept to hard labour in the ſaid penitentiary houſe for the county of *Glouceſter*, the clerk of aſſize, or other clerk of the court in which ſuch offender ſhall be convicted, ſhall give to the ſheriff or gaoler having the cuſtody of ſuch offender, a certificate in writing, containing an account of the chriſtian name, ſurname, and age, of ſuch offender, of his or her offence, of the court before which he or ſhe was convicted, and of the term for which he or ſhe ſhall be ſo ordered to hard labour; and ſuch ſheriff or gaoler ſhall forthwith, after receiving ſuch certificate, convey ſuch offender to the ſaid penitentiary houſe for the county of *Glouceſter*, and ſhall deliver him or her, together with ſuch certificate, to the governor of the ſaid penitentiary houſe, to be appointed in manner herein-after mentioned; and in caſe the office of governor of the ſaid penitentiary houſe ſhall happen to be diſtinct and ſeparate from the office of gaoler, every ſuch governor, or the perſon or perſons acting for him, ſhall, under his or their hand or hands, give a proper receipt in writing to ſuch ſheriff or gaoler, which ſhall be his ſufficient diſcharge; and ſuch governor ſhall tranſmit ſuch certificate to the clerk of the peace for the ſaid county of *Glouceſter*, who ſhall file or preſerve it with the records of the ſeſſions.

XXXV. *And, for defraying the expence of building the ſaid new gaol, penitentiary houſe, and houſes of correction, for the county of* Glouceſter, *and of otherwiſe carrying this act into execution*, be it further enacted, That it ſhall be lawful for the ſaid commiſſioners, at any meeting at which ſeven at leaſt ſhall be preſent, from time to time to borrow and take up, on mortgage of the county rates for the county of *Glouceſter*, by inſtruments in the form contained in the ſchedule hereunto annexed, ſuch ſum or ſums of money as to them ſhall appear neceſſary and expedient for the purpoſes aforeſaid, at legal or lower intereſt, in ſeparate and ſpecifick ſums, not exceeding one hundred pounds each, and to take and receive any part of the ſum or ſums of money, ſo appearing neceſſary and expedient for the purpoſes aforeſaid, of any perſon or perſons willing to pay or advance the ſame, upon

County rates may be mortgaged for the expences of the act;

or money raiſed by annuities.

upon annuities for any term of years, not exceeding twenty-five years, or for the life of the purchaſer, and thereupon to charge the ſaid county rates for the county of *Glouceſter*, with ſuch annuities, by inſtruments in the form alſo contained in the ſaid ſchedule; and every ſuch mortgage for the ſecuring the payment of any principal money and intereſt, and every ſuch charge for ſecuring the payment of any ſuch annuity, ſhall be ſigned by the chairman, and three others at leaſt of the ſaid commiſſioners, at a meeting held under this act; and all ſuch mortgages and charges, or ſecurities, ſhall be clear of all fees and expences from the perſon ſo advancing the money, and copies thereof ſhall be entered in a book or books to be kept by the clerk to the ſaid commiſſioners; and all perſons to whom ſuch mortgages and charges, or ſecurities, ſhall be given, are hereby impowered, by indorſing their reſpective names on the back thereof, as in the caſe of promiſſory notes without ſtamps, or by writing or writings executed under his or their hand and ſeal, to transfer, or bargain, ſell, and aſſign the ſame, and his, her, or their right to the principal money and intereſt, or annuity or annuities, thereby ſecured, to any perſon or perſons whomſoever; who ſhall thereupon be entitled to the benefit thereof and payment thereon, and he, ſhe, or they may, in like manner, transfer, or bargain, ſell, and aſſign again, and ſo *toties quoties*; and all and every perſon or perſons, to whom ſuch mortgages and charges, or ſecurities, or transfers or aſſignments thereof, ſhall be made, ſhall be creditors on the ſaid county rates for the county of *Glouceſter*, equally one with another, without any regard to priority of date of any ſuch mortgage, charge, or ſecurity; but no annuity or annuities ſhall be granted for the life of any one perſon, for any ſum exceeding one hundred pounds *per annum*; and all transfers, ſales, and aſſignments of annuities, ſhall (previous to any ſubſequent demand of payment in reſpect of the ſame) be notified to the ſaid clerk, who ſhall cauſe an entry to be made, ſpecifying the date thereof, and parties thereto, in the book or books containing the original entry of the ſecurity, and ſhall be paid for each ſuch entry one ſhilling and ſixpence, and no more; and which ſaid book or books may, at all ſeaſonable times, be peruſed and inſpected by the creditors on the ſaid rates, without fee or reward.

Securities may be aſſigned.

XXXVI. Provided always, That the ſaid commiſſioners ſhall not proceed to treat and agree for any annuity or annuities as aforeſaid, until publick advertiſement, containing the terms of their propoſals, and time of treating and agreeing for the ſame, ſhall have been inſerted in ſome publick newſpaper circulating as aforeſaid, at leaſt fourteen days before ſuch time of treating; and all ſuch agreements ſhall be made in open committee, to which all contributors to the county rates ſhall have free acceſs, and the beſt bidder for every annuity ſhall be accepted as purchaſer thereof; but no annuity for twenty five years ſhall be granted

Notice to be given of intention to grant annuities.

granted for leſs than thirteen years purchaſe, and ſo in proportion for any annuity for a leſſer number of years.

XXXVII. *And, in order effectually to ſecure the regular and punctual diſcharge of the intereſt on the principal ſums ſo to be borrowed on mortgage, and the growing payment of the ſaid annuities, and further to provide for the paying off of ſuch principal ſums,* be it further enacted, That the ſaid commiſſioners, or any five or more of them, may and ſhall, in every year after the paſſing of this act, till the whole of the principal ſums herein-before authoriſed to be borrowed ſhall have been repaid, with all intereſt for the ſame, receive the ſum of two thouſand pounds out of the county rates for the ſaid county of *Glouceſter*, for which purpoſe they ſhall in every year make one or more order or orders upon the treaſurer of the ſaid county, for payment of the ſaid ſum of two thouſand pounds, either in one entire ſum, or in parcels to the treaſurer of the ſaid commiſſioners; and the treaſurer of the ſaid county ſhall accordingly pay ſuch ſum or ſums, in conformity to the ſaid order or orders, or as ſoon after as his receipts from the ſaid county rate ſhall enable him; and the juſtices of the peace for the ſaid county ſhall, from time to time, at their general or quarter ſeſſions, make ſuch proviſion for augmenting the ſaid county rate as the additional annual charge thereon, created by this act, ſhall require: and, in order to facilitate the payment of the intereſt on the ſaid principal ſums ſo to be borrowed, and of the ſaid annuities, the ſaid commiſſioners, or any five or more of them, are hereby required to appoint a day or days in each year on which the intereſt of the ſaid principal monies, and the growing payments of the ſaid annuities, as they ſhall reſpectively become due, ſhall from time to time be diſcharged, at the office of their treaſurer, and which he is to pay accordingly, without fee; and the ſaid commiſſioners, or any five or more of them, ſhall, and they are hereby required, within ten days previous to ſome one ſuch day of payment in every year, to adjuſt and ſettle all books of account relative to the truſt, in ſuch manner that it may eaſily be ſeen what principal ſums have been diſcharged, and what annuities or intereſt ſhall be growing due, and thereupon to make order for the regular diſcharge of the ſame; and the ſaid books, when ſo adjuſted and ſettled, ſhall be ſigned by the ſaid commiſſioners, or any three or more of them, preſent at ſuch meeting, and ſhall be kept by the clerk to the ſaid commiſſioners, and at all convenient ſeaſons be open to the inſpection of all perſons being creditors on the ſaid county rate, or aſſeſſed to the poors rates within the county of *Glouceſter*, they paying to ſuch clerk ſuch fee for inſpecting the ſame, as is herein-before directed to be paid him for the inſpection of the books of proceedings of the ſaid commiſſioners.

Money to diſcharge intereſt on mortgages, and to pay annuities, to be taken out of county rates.

XXXVIII. *And whereas it is intended that all the ſaid mortgages or ſecurities for the payment of any principal money ſhall be liable to be diſcharged by the gradual operation of a ſinking fund, without any partiality*

partiality or preference; be it therefore enacted, That as soon as the said new gaol and penitentiary house, and new houses of correction, shall be completed, and before any money shall be applied in discharge of any such mortgages as herein-after directed, the said commissioners, or any five or more of them, shall appoint a general meeting of commissioners, of which fourteen days notice shall be given in some newspaper circulating as aforesaid, and to which all mortgages under this act shall be admitted; and all the said mortgages shall then and there be drawn by lot, by order of the commissioners present, and numbered according to the event of such drawing; and the mortgages so drawn and numbered shall be regularly discharged in succession, according to priority of number.

Mode for discharging mortgages.

XXXIX. And be it further enacted, That the said annual sum of two thousand pounds to be raised out of the said rate for the county of *Gloucester*, shall, by order of the said commissioners, or any five or more of them, from time to time be applied in manner following; (that is to say), a sufficient part thereof shall in the first place be applied in paying all charges and expences incident to and attending the obtaining and passing this act, and in the next place in keeping down the interest of the said principal sums so to be borrowed, and in paying the annuities so to be granted in manner aforesaid, and the surplus shall be applied in discharging the expences of erecting, fitting up, and furnishing the said new gaol, penitentiary house, and new houses of correction for the said county; and when such last mentioned expences shall be entirely discharged, then such surplus shall be applied as a sinking fund, for the gradual discharge of the principal sums borrowed as aforesaid.

Application of the annual sum to be raised, &c.

Expence of passing this act; keeping down the interest, and paying the annuities; expences of the gaol, &c.; surplus for a sinking fund.

XL. *And, for establishing and enforcing a proper police within the said new gaol for the county of* Gloucester, be it further enacted, That before the opening of the said new gaol for the reception of prisoners, a body of rules, orders, and regulations, as bye laws for the government of the said new gaol, and of the prisoners to be therein confined, shall be framed, made, and confirmed, by such persons, and in such manner, as is appointed for county gaols in general by a statute of the thirty-second year of his late majesty King *George* the Second, intituled, *An act for relief of debtors with respect to the imprisonment of their persons; and to oblige debtors, who shall continue in execution in prison beyond a certain time, and for sums not exceeding what are mentioned in the act, to make discovery of, and deliver upon oath, their estates for their creditors benefit*; and in the same rules, orders, and regulations, proper and particular directions shall be given for effectuating such separation and classing of prisoners as is hereinbefore directed in appointing how the same gaol shall be constructed, with such further separation and classing as shall be thought requisite, and also as well for enforcing amongst the prisoners, cleanliness, temperance, and a decent and orderly behaviour, as for securing a just and humane treatment of them by the gaoler, and his servants;

For establishing a police in the new gaol.

32 Geo. 2. c. 28.

tions contained in

in the ſaid act, reſpecting ſuch rules and orders, ſhall be exactly conformed to.

19 Car. 2. c. 4. recited.

XLI. *And whereas, by an act of the nineteenth year of King* Charles *the Second, intituled,* An act for relief of poor priſoners, and ſetting them on work, *after reciting that there was not any ſufficient proviſion made for the relief and ſetting on work of poor and needy perſons committed to the common gaol for felany and other miſdemeanors, who many times periſh before their trial, and the poor there living idly and unemployed, become debauched, and come forth inſtructed in the practice of thievery and lewdneſs, it is enacted, That the juſtices of the peace, in their reſpective counties, at any their general ſeſſions, if they ſhall find it needful ſo to do, may provide a ſtock of ſuch materials as they find convenient for the ſetting poor priſoners on work, in ſuch manner and by ſuch ways as other county charges may be levied and raiſed, and to pay and provide fit perſons to overſee and ſet ſuch priſoners on work, and make ſuch orders, for accounts of and concerning the premiſes, as ſhall by them be thought needful, and for puniſhment of neglects and other abuſes, and for beſtowing of the profits ariſing by the labour of the priſoners ſet on work for their relief, which ſhall be duly obſerved; and may alter, revoke, or amend ſuch their orders from time to time, provided that no pariſh be rated above ſixpence by the week towards the premiſes, having reſpect to the reſpective values of the ſeveral pariſhes: and whereas the proviſion of the ſaid recited ſtatute is very fit to be executed with reſpect to ſuch priſoners therein deſcribed, as ſhall be confined in the ſaid new gaol for the county of* Glouceſter; *with an extenſion thereof to all other priſoners inclined to take the benefit thereof, and alſo an increaſe of the ſum limited by the ſaid act, for defraying the expence of executing the ſame*; be it therefore enacted, That the juſtices of the peace for the ſaid county of *Glouceſter* ſhall have authority to execute the ſaid recited proviſion in the ſaid laſt mentioned act, for ſetting poor perſons on work, as well in regard to ſuch perſons as are therein deſcribed, as in favour of all other priſoners within the ſaid new gaol, who may at any time be inclined and willing to work, and for that purpoſe are hereby authorized, at any general or quarter ſeſſions of the peace for the ſaid county, or at any adjournment thereof, to direct the payment of ſuch ſums of money, out of the county rate for the ſaid county, as they ſhall from time to time think fit to be expended in executing the proviſion of the ſaid laſt mentioned act, according to the extenſion thereof, hereby made.

Priſoners in the gaol may be ſet to work.

Recital of an act 14 Eliz.

XLII. *And whereas, by an act of the fourteenth year of Queen* Elizabeth, *intituled,* An act how vagabonds ſhall be puniſhed, and the poor relieved, *as alſo by the above mentioned act of the thirty-ſecond year of King* George *the Second, ſome proviſion is made for the relief of priſoners; but, notwithſtanding the humane purpoſes thereby intended, the health of priſoners is frequently ſo affected, by want of neceſſary food, as to render them incapable of labour when releaſed; and therefore it may be expedient to have a new and more extenſive proviſion in favour of ſuch poor priſoners as ſhall be confined in the ſaid gaol* of Glouceſter, *and have not any means*

of

of acquiring neceſſary ſuſtenance; be it therefore enacted, That, from and after the paſſing of this act, it ſhall be lawful for the juſtices of the peace for the ſaid county of *Glouceſter*, at their general or quarter ſeſſions, or any adjournment thereof, from time to time to order ſuch ſum or ſums of money to be paid out of the county rate of the ſaid county, towards aſſiſting ſuch priſoners of every deſcription, as, being confined within the ſaid gaol, are not able to work, or being able, cannot procure employment ſufficient to ſuſtain themſelves by their induſtry, or who may not be otherwiſe provided for by virtue of any law or ſtatute, or of any cuſtom or order, ſuch food and raiment as the ſaid juſtices ſhall from time to time think neceſſary for the ſupport of health, and ſuch money ſhall accordingly be applied in conformity to directions to be given by the ſaid juſtices.

Juſtices may order food and raiment neceſſary for ſupport of health.

XLIII. *And, for regulating the ſaid penitentiary houſe for the county of* Glouceſter, *and ſettling the government and police thereof*, be it further enacted, That previouſly to the opening of the ſaid penitentiary houſe for the reception of offenders, the juſtices of the peace for the ſaid county ſhall, at one or more general or quarter ſeſſions for the ſaid county (at which ſeven at leaſt ſhall be preſent), appoint a governor or taſk-maſter of the ſaid penitentiary houſe, and ſuch other officers, and with ſuch ſalaries and allowances for the ſaid governor and other officers, as they the ſaid juſtices ſhall deem neceſſary; and afterwards the juſtices of the peace for the ſaid county ſhall from time to time have power, at their general or quarter ſeſſions, or any adjournment thereof, to appoint and remove the governor and other officers of the ſaid penitentiary houſe, and to appoint others in their ſtead, and to increaſe or diminiſh the number of the officers, excluſive of the governor, and alſo to alter the ſalaries and allowances of ſuch governor and other officers, as the ſaid juſtices ſhall from time to time find convenient; and in fixing the ſalary and allowance of ſuch governor or taſk-maſter, the juſtices ſhall have regard, ſo far as may be, to the making the emoluments of the office depend on the quantity of work done and performed in ſuch penitentiary houſe, that it may become the intereſt as well as duty of ſuch governor or taſk-maſter to ſee that all perſons under his cuſtody be regularly and profitably employed; and further, ſuch governor and other officers ſhall give ſuch ſecurity for the performance of their reſpective duties, as the ſaid juſtices from time to time, at any ſuch general or quarter ſeſſions, ſhall appoint; and ſuch governor and other officers, for any negligence or miſbehaviour in their reſpective offices, may either be proceeded againſt on the ſecurity ſo to be given, or ſhall be fineable by the juſtices of the peace for the ſaid county, at any general or quarter ſeſſions, in the ſame manner as the governor of any houſe of correction is fineable, by juſtices of the peace, by an act paſſed in the ſeventh year of King *James* the Firſt, intituled, *An act for the due execution of divers laws and ſtatutes heretofore made againſt rogues, vagabonds, and*

For regulating the penitentiary houſe, and police thereof.

7 Jac. 1. c. 4.

and ſturdy beggars, and other lewd and idle perſons, or by the aforeſaid act of the ſeventeenth year of King *George* the Second; and if any governor of any penitentiary houſe, being removed by any order of the ſaid juſtices at their general or quarter ſeſſions, or any adjournment thereof, ſhall refuſe or neglect to quit the poſſeſſion of the ſaid penitentiary houſe, for forty-eight hours next after notice given to him in writing by the clerk of the peace for the county of *Glouceſter*, any two or more juſtices of the peace for the ſaid county, upon proof before them of ſuch order of removal, ſuch notice thereof, and ſuch neglect or refuſal to comply with the ſame, may, by warrant under their hands and ſeals, direct the ſheriff of the ſaid county to remove ſuch governor out of the ſaid penitentiary houſe, and the ſheriff ſhall accordingly clear the poſſeſſion thereof in like manner as upon a writ of *Habere Facias Poſſeſſionem*.

Juſtices to make bye-laws and orders reſpecting the penitentiary houſe.

XLIV. And be it further enacted, That, previous to the opening of the ſaid penitentiary houſe for the reception of offenders, the juſtices of the peace for the ſaid county of *Glouceſter* ſhall, and they are hereby authoriſed and required, at ſome general or quarter ſeſſions for the ſaid county, to make ſuch bye-laws, rules, and orders, for receiving, ſeparating, claſſing, dieting, cloathing, maintaining, employing, reforming, governing, managing, treating, and watching all offenders, during their reſpective confinement in the ſaid penitentiary houſe, and alſo for adjuſting what aid ſhall be given to them, as well during ſuch confinement as on their being releaſed, as to the ſaid juſtices ſhall ſeem moſt fit and proper; but no ſuch bye-laws, rules, and orders, ſhall be made at any ſuch ſeſſions, unleſs ſeven juſtices at leaſt ſhall be preſent; and in making ſuch bye-laws, rules, and orders, the ſaid juſtices ſhall have regard to the diſcipline, proviſions, and directions, contained in the aforeſaid act of the nineteenth year of his preſent Majeſty, *for explaining and amending the laws relating to the tranſportation, impriſonment, and other puniſhment of certain offenders*, concerning the two national penitentiary houſes therein mentioned, as nearly as to the ſaid juſtices ſhall appear to be conſiſtent with the more limited deſign of the penitentiary houſe for the county of *Glouceſter*; and further, ſuch bye-laws, rules, and orders, ſo to be made as aforeſaid, ſhall not begin to have force till they have been ſubmitted to the juſtices of aſſize, at the aſſizes which ſhall be holden for the ſaid county next after the making of ſuch bye-laws, rules, and orders, or at ſome ſubſequent aſſizes, and the ſaid juſtices of aſſize ſhall have ſubſcribed a declaration, that they do not ſee any thing contrary to law in the ſaid bye-laws, rules, and orders, ſo to be made as aforeſaid, and all ſuch bye-laws, rules, and orders, ſhall be afterwards added to or altered, from time to time, as often as the ſaid juſtices of the peace for the ſaid county, at any general or quarter ſeſſions (at which ſeven at leaſt ſhall be preſent) ſhall think neceſſary, and ſuch additions or alterations ſhall alſo in like manner be ſubmitted to the juſtices of aſſize, at any aſſizes

19 Geo. 3. c. 74.

for

for the said county, in manner aforesaid; but nothing herein contained shall extend, or be construed to extend, to deprive any convict confined in the said new gaol or penitentiary house, of the benefit of any weekly or other allowance which has usually been, or hereafter may be granted or made, by virtue of any law, statute, custom, or order, for the purpose of maintaining and supporting convicted prisoners; provided only, that the application of all and every such allowance shall be subject to such limitations and restrictions as may be contained in the bye-laws, rules, and orders, herein directed to be made for the government and police of the said gaol and penitentiary house.

Powers of the governor of the penitentiary house.

XLV. And be it further enacted, That the governor of the said new penitentiary house, and his assistants, shall have the same powers over the offenders to be confined therein as are incident to the office of a sheriff, or of a gaoler, and in like manner be answerable for the escape of any offender within his custody; and moreover the said governor shall have power to hear complaints, and examine any persons touching offences, and determine and punish the same (except by whipping) in such and the same manner as the governor of each penitentiary house directed to be built by the said act of the nineteenth year of his present Majesty, is by the same act impowered to do; and in case of the repetition of such offences, or in case of offences more enormous, which the said governor of the said new penitentiary house is not by this act impowered to punish, the said governor shall report the same to the visiting justices of the said penitentiary house, or one of them, for the time being, to be appointed as herein-after is directed; and such justices, or one of them, shall have power to enquire upon oath, and determine concerning all such offences so reported to them, and shall order such offenders to be punished in such and the same manner as the committee appointed by the said last-mentioned act are thereby impowered to do respecting offenders and offences in each of the penitentiary houses thereby directed to be built; and if any person ordered to hard labour in the said penitentiary house for the county of *Gloucester* shall, at any time during the term for which he or she shall be so ordered, break prison, or shall escape from the said penitentiary house, or in the conveyance to the same, or from the person or persons having the lawful custody of such offender; or if any person shall rescue any offender, who by force of this act shall be ordered to hard labour in the said penitentiary house for the county of *Gloucester*, either during his or her conveyance thereto, or whilst such offender shall be in the custody of the person or persons under whose care and charge he or she shall be confined; or if any person shall be aiding or assisting in any such rescue; or if any person, having such custody as an assistant, shall voluntarily or negligently permit such offender to escape; or if any person shall, by supplying arms, tools, instruments, or means of disguise, or otherwise in any manner aid or assist any such offender

fender in any escape, or in any attempt to make an escape, though no escape be actually made; every such offence as aforesaid shall be punished in the same manner as the like offence would be punishable under the before-mentioned act of the nineteenth year of his present Majesty, directing two national penitentiary houses to be built, if such had been committed by or in respect to any person ordered to hard labour in either of the said two penitentiary houses therein mentioned.

Provisions of Act 19 Geo. 3. relating to escapes, &c. to be extended to the penitentiary house.

XLVI. And be it further enacted, That the provision made in and by the said act of the nineteenth year of his present Majesty, for carrying on prosecutions for escapes, attempts to escape, breaches of prison, and rescues, in the case of persons adjudged to either of the said penitentiary houses thereby directed to be built, shall extend and be applied to any prosecution for any escape, attempt to escape, breach of prison, or rescue, in the case of any person who, under this act, shall be adjudged to the said penitentiary house for the county of *Gloucester*.

Expences of the penitentiary house to be paid out of the county rate.

XLVII. And be it further enacted, That from time to time, and at all times after first opening the said penitentiary house for the county of *Gloucester*, for the reception of offenders, the expences of repairing the same, with the buildings, easements, and appurtenances thereto belonging, and of providing proper implements, with stock of materials for work, to be used therein, and the salaries and allowances to the governor and other officers thereof, together with the aid, adjusted as aforesaid, to be given to prisoners, as well during their confinement, as on their being released, and all other charges and expences necessary for supporting the said penitentiary house, in conformity to the directions and intent of this act, shall be paid out of the county rate, by the treasurer of the county of *Gloucester*, and the justices of the peace for the said county shall, from time to time, make provision for the same out of the county rate; and the said penitentiary house shall, in all other respects not herein particularly provided for, be considered as a house of correction for the county of *Gloucester*, and be subject to the various statutes and provisions made and now in force, for the managing, regulating, and repairing houses of correction.

Justices to be appointed to inspect the gaol, &c.;

XLVIII. And, for better preventing all abuses, as well in the said new penitentiary house as in the said new gaol, and new houses of correction, for the said county of *Gloucester*, the justices of the peace shall, at every *Michaelmas* general or quarter sessions which shall be holden for the said county, after the beginning to receive offenders in the said gaol, penitentiary house, and houses of correction, respectively appoint two or more justices visitors of the said new gaol and penitentiary house, and of the said house of correction contiguous thereto, and also two or more other justices visitors for each of the said four other houses of correction; and such visiting justices, so respectively appointed, shall, either together or singly, personally visit and inspect each such prison at least three times in each quarter of a year, and oftener if occasion shall require, and shall examine into

into the ſtate of the buildings, the behaviour and conduct of the reſpective officers, and the treatment and condition of the priſoners, the amount of their earnings, and the expences attending each priſon reſpectively, and in matters of preſſing neceſſity, and within the powers of their commiſſion as juſtices, ſhall take cognizance therein, and proceed to regulate and redreſs the ſame; and at every general or quarter ſeſſions of the peace, the ſaid viſiting juſtices reſpectively ſhall make a report in writing of the ſtate and condition of the ſaid new gaol, penitentiary houſe, and new houſes of correction, and of all abuſes which may occur to their obſervation therein; and the chairman of the ſaid ſeſſions is hereby required to call upon the ſaid viſitors for ſuch report; and further, it ſhall be lawful for every juſtice of the peace for the ſaid county, of his own accord, and without being appointed a viſitor, to enter into the ſaid new gaol, penitentiary houſe, and houſes of correction, reſpectively, and to examine the ſame, at ſuch time or times, and as often as he ſhall think fit, and if he ſhall diſcover any abuſes therein, he is hereby required to report them in writing at the next general or quarter ſeſſions of the peace which ſhall be holden for the ſaid county; and when and as often as report of any abuſes in the ſaid gaol, penitentiary houſe, and houſes of correction, or either of them, ſhall be made by the ſaid viſiting juſtices, or either of them, or by any other juſtice of the peace for the ſaid county, the abuſes ſo reported ſhall be taken into immediate conſideration by the juſtices of the peace for the ſaid county, at the general or quarter ſeſſions at which ſuch report ſhall be made, and they are hereby required to adopt the moſt effectual meaſures for enquiring into and rectifying ſuch abuſes as ſoon as the nature of the caſe will allow.

and report to the ſeſſions.

XLIX. And be it further enacted, That no keeper of the ſaid new gaol, or governor of the ſaid penitentiary houſe, nor any perſon or perſons in truſt for or employed by ſuch keeper or governor, or who ſhall have any office or employment as aſſiſtant, or otherwiſe, under ſuch keeper or governor, ſhall ſell, or be capable of being licenſed to ſell, or have any benefit or advantage whatſoever, directly or indirectly, from the ſale of any wine, beer, ale, or other liquors, uſed in ſuch gaol or penitentiary houſe; and every perſon offending therein ſhall, on complaint made on oath, and conviction before one juſtice of the peace, forfeit and pay the ſum of ten pounds.

Keepers or governors not to ſell liquors in the penitentiary houſe.

L. *And whereas a conſiderable part of the emolument of gaoler or keeper of the gaol for the county of* Glouceſter *has uſually ariſen from fees paid to him by debtors and other perſons confined therein, and from incidental charges made by him on the county rate, on the diſmiſſion of priſoners, and on the removal of tranſports; and, by reaſon of neglect in regulating the ſaid fees, as directed by the aforeſaid act of the thirty-ſecond year of King* George *the Second, they are become oppreſſive and burthenſome to poor priſoners, and ſuch charges on the county rate are liable to frequent abuſe*; be it therefore enacted, That the juſtices of the peace for the county of *Glouceſter*, aſ-

Juſtices to ſettle a table of fees.

ſembled at their general or quarter ſeſſions, or at ſome ſpecial adjournment thereof, held for ſuch expreſs purpoſe, ſhall, and they are hereby required, within one year after the reception of priſoners in the ſaid new gaol, to regulate and ſettle a table of fees and rates to be taken by the gaoler or keeper of the ſaid gaol; and the ſaid juſtices, ſo aſſembled as aforeſaid, are hereby authoriſed and impowered, from time to time, to alter, vary, or totally diſallow of all or any ſuch charges and fees, and to order a copy of the table of fees, ſo regulated, to be hung up in the court of aſſize and quarter ſeſſions for the ſaid county, and another copy thereof to be tranſmitted to the ſaid gaoler or keeper, who ſhall cauſe the ſame to be hung up in ſome conſpicuous place within the ſaid gaol; and all orders and directions contained in the ſaid laſt mentioned act, reſpecting the table of fees and rates to be taken by gaolers or keepers of priſons, ſhall be conformed to as if the ſame were herein particularly enacted and repeated; and, by way of recompence for any diminution of emolument in the office of gaoler or keeper of the ſaid new gaol, by means of any ſuch regulation of fees, or by the diſallowing any ſuch charges on the county rate, or any part thereof, as well as for and in lieu of all or any part of the profits and emoluments that have uſually ariſen from the office of gaoler or keeper, the ſaid juſtices, ſo aſſembled as aforeſaid, are hereby further authoriſed and impowered to grant ſuch ſalaries and allowances to the ſaid gaoler or keeper, and to his aſſiſtants, as to the ſaid juſtices ſhall appear reaſonable and ſatisfactory, and from time to time to alter and vary the ſame as they ſhall think fit, and further to order and direct the ſaid ſalaries and allowances to be paid out of the county rate by the treaſurer of the ſaid county, upon an order or orders ſigned by the chairman of any general or quarter ſeſſions of the peace held for the ſaid county, ſpecifying the ſalary and allowance ſo directed to be paid: provided always, That no ſuch regulation of fees and charges, or any ſubſequent alteration thereof, ſhall be made, nor ſhall any ſuch ſalary and allowance, or any alteration thereof be fixed and determined at any general or quarter ſeſſions, or ſpecial adjournment thereof, unleſs fourteen days publick notice at the leaſt ſhall have been given, by advertiſement in ſome newſpaper circulating as aforeſaid, ſigned by the clerk of the peace, and ſpecifying that ſuch regulation of fees and charges, or ſuch grant of ſalaries and allowances, will be taken into conſideration; and no ſuch regulation of fees and charges, or any ſubſequent alteration thereof, or any variation in ſuch ſalaries and allowances, ſo granted, that may in anywiſe affect the ſheriff or his officers, ſhall take place, or have effect, pending the continuance in office of the ſheriff who ſhall be actually in commiſſion at the time of making ſuch regulation, or any alteration thereof, or of varying ſuch ſalaries and allowances, unleſs ſuch ſheriff ſhall, by writing under his hand, conſent thereto; and the ſaid juſtices, in granting to any gaoler or keeper any ſuch ſalary or allowance, may ſtipulate, as a condition

tion of the payment thereof, that he do regularly observe and keep the bye-laws, rules, and orders of the said gaol.

No allowance to be made to any person incapable of performing the office.

LI. And it is hereby further expressly provided, That no such salary and allowance shall be paid out of the said county rate to any woman, or other person incapable of executing the office in person, who may at any time be appointed gaoler or keeper of the said gaol; but in case any gaoler or keeper shall, from confirmed sickness, age, or infirmity, become incapable of so executing his office in person, the justices of the peace for the said county, at any their general or quarter sessions, at which seven at the least shall be present, shall take the circumstances of the case into their consideration, and if he shall be found to have executed his office with diligence, honesty, and fidelity, they are hereby impowered to grant him such an annuity as they, in their discretion, shall think proportioned to the merits and time of his service, not exceeding fifty pounds *per annum*, and may deduct the amount thereof from the salary allowed to the officating gaoler or keeper, or, if they shall think fit, may order the payment of the whole, or any part thereof, out of the county rate for the county of *Gloucester*.

Gaolers become infirm may have some allowance from the salary of the officiating gaoler.

Money charged on county rate, to be raised as directed by 12 Geo. 2. c. 29.

LII. And be it further enacted, That the justices of the peace for the county of *Gloucester* shall cause such sum or sums of money as may be necessary from time to time for all or any the purposes of this act, and as is or are hereby charged on the county rate, to be raised in the same manner as county rates are directed to be raised by an act made in the twelfth year of his late majesty King *George* the Second, *for the more easy assessing, collecting, and levying of county rates*.

All laws applicable to the purposes of this act, to be extended to it.

LIII. And be it further enacted, That all and singular the laws and statutes of this realm, which, from the nature of the case, can be applied to the said new gaol, penitentiary house, and houses of correction, for the county of *Gloucester*, or to the building, fitting up, and repairing the same respectively, or to the ordering, governing, and transferring prisoners to be confined therein, shall extend to the said new gaol, penitentiary house, and houses of correction, and prisoners, in the same manner as if the same laws and statutes were herein particularly enacted and repeated, and applied to the said new gaol, penitentiary house, and houses of correction.

Penalties and forfeitures how to be recovered and applied.

LIV. And be it further enacted, That all fines, forfeitures, and penalties inflicted by this act, or which shall be inflicted by virtue of any bye law, rule, or order, to be made in pursuance thereof, the levying and recovering of which are not particularly herein directed, shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of two justices of the peace for the county of *Gloucester*, who are hereby authorised to hear and examine witnesses on oath or affirmation, and determine the same; and all such respective fines, forfeitures, and penalties, by this act imposed and inflicted, or authorised to be imposed and inflicted, the application whereof is not herein before particularly directed, shall

be paid from time to time to the treaſurer of the ſaid commiſſioners for the time being, ſo long as there ſhall be ſuch an officer, and when, by the operation of this act, the office of treaſurer to the ſaid commiſſioners ſhall ceaſe, then to the treaſurer for the time being of the ſaid county of *Glouceſter*, and ſhall be applied and diſpoſed of for the purpoſes of this act, and to or for no other uſe or purpoſe whatſoever; and the overplus of the money raiſed by ſuch diſtreſs and ſale, after deducting the penalty, and the expences of the diſtreſs and ſale, ſhall be rendered to the owner of the goods diſtrained; and for want of ſufficient diſtreſs, the offender ſhall be committed by ſuch juſtices to ſome houſe of correction for the ſaid county, for ſuch term, not exceeding three calendar months, nor leſs than one calendar month, as ſuch juſtices ſhall think proper.

How juſtices to proceed for conviction of offenders.

LV. *And, for the more eaſy and ſpeedy conviction of offenders againſt this act*, be it further enacted, That all and every the juſtice or juſtices of the peace, before whom any perſon or perſons ſhall be convicted of any offence againſt this act, ſhall and may cauſe the conviction to be drawn up in the following form of words, or in any other form of words to the ſame effect, as the caſe ſhall happen; *(videlicet)*:

Form of conviction.

BE *it remembered, That on the* *in the year of our Lord one thouſand ſeven hundred and* A. B. *is convicted before me* C. D. *one of his Majeſty's juſtices of the peace for the county of* [ſpecifying the offence, and the time and place when and where the ſame was committed, as the caſe ſhall be].

Given under my hand and ſeal, the day and year firſt above mentioned.

Appeals.

LVI. Provided always, and be it further enacted, That if any perſon ſhall think himſelf or herſelf aggrieved by any thing done in purſuance of this act, and for which no particular method of relief hath been already appointed, ſuch perſon may appeal to the juſtices of the peace, at any general or quarter ſeſſion of the peace to be holden for the county of *Glouceſter*, within ſix calendar months after the cauſe of ſuch complaint ſhall have ariſen, ſuch appellant firſt giving, or cauſing to be given, eight clear days notice at leaſt, in writing, of his or her intention to bring ſuch appeal, and of the matter thereof, to the juſtice or juſtices of the peace, before whom the conviction ſhall have been had, and to the clerk to the ſaid commiſſioners, and within four days after ſuch notice enter into recognizance, before ſome juſtice of the peace for the ſaid county, with two ſufficient ſureties, conditioned to try ſuch appeal, and abide the order of, and to pay ſuch coſts as ſhall be awarded by, the juſtices at ſuch quarter ſeſſion; and the juſtices at ſuch ſeſſion, upon due proof of ſuch notice being given as aforeſaid, and of the entering into ſuch recognizance, ſhall hear and finally determine the cauſes and

and matters of ſuch appeal in a ſummary way, and award ſuch coſts to the parties appealing, or appealed againſt, as they the ſaid juſtices ſhall think proper; and the determination of ſuch quarter ſeſſion ſhall be final, binding, and concluſive to all intents and purpoſes.

Proceedings not to be quaſhed for want of form.

LVII. And be it further enacted, That no order made touching or concerning any of the matters in this act contained, or any proceedings to be had touching the conviction or convictions of any offender or offenders againſt this act, ſhall be quaſhed for want of form, or be removed or removeable by *Certiorari*, or any other writ or proceſs whatſoever, into any of his Majeſty's courts of record at *Weſtminſter*; and that where any diſtreſs ſhall be made for any ſum or ſums of money to be levied by virtue of this act, the diſtreſs itſelf ſhall not be deemed to be unlawful, nor the party or parties making the ſame be deemed a treſpaſſer or treſpaſſers, on account of any defect or want of form in the ſummons, conviction, warrant of diſtreſs, or other proceedings relating thereto, nor ſhall ſuch party or parties be deemed a treſpaſſer or treſpaſſers *ab initio*, on account of any irregularity which ſhall be afterwards done by the party or parties diſtraining, but the perſon or perſons aggrieved by ſuch irregularity ſhall and may recover full ſatisfaction for the ſpecial damage (if any) in an action upon the caſe; but no plaintiff or plaintiffs ſhall recover in any action for ſuch irregularity as aforeſaid, if tender of ſufficient amends hath been made, by or on behalf of the party diſtraining, before ſuch action brought.

Perſons proſecuted may plead the general iſſue, and recover treble coſts.

LVIII. And be it further enacted, That if any ſuit or action ſhall be proſecuted againſt any perſon or perſons, for any thing done in purſuance of this act, ſuch perſon or perſons may plead the general iſſue, and give this act, or the ſpecial matter, in evidence at any trial to be had thereupon, and that the ſame was done by authority of this act; and if a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs ſhall become nonſuit, or diſcontinue his, her, or their action or actions after iſſue joined, or if, on demurrer or otherwiſe, judgement ſhall be given againſt the plaintiff or plaintiffs, the defendant or defendants ſhall recover treble coſts, and have the like remedy for the ſame as any defendants have by law in other caſes; and though a verdict ſhall be given for any plaintiff, in any ſuch action or ſuit as aforeſaid, ſuch plaintiff ſhall not have coſts againſt the defendant, unleſs the judge, before whom the trial ſhall be, ſhall certify his approbation of the action, and of the verdict obtained thereupon.

Limitation of actions.

LIX. And be it further enacted, That all actions, ſuits, and proſecutions, to be commenced againſt any perſon or perſons for any thing done in purſuance of this act, ſhall be laid and tried in the county or place where the facts were committed, and ſhall be commenced within ſix calendar months after the fact committed, and not otherwiſe.

Publick act.

LX. And be it further enacted, That this act ſhall be deemed a pub-

a publick act; and be taken notice of as such in all courts, and by all persons whomsoever.

The SCHEDULE to which this Act refers.

Form of Mortgage upon the County Rates, for securing the Money borrowed.

WE

of the commissioners for executing certain powers in an act passed in the twenty-fifth year of the reign of his majesty King George *the Third, intituled,* An act for building a new gaol, a penitentiary house, and certain new houses of correction, for the county of *Gloucester*, and for regulating the same, *being assembled at a meeting, of which the said is chairman, held under the said act, at on the day of one thousand seven hundred and do hereby mortgage and charge all the rates to be raised within the said county, under the description of county rates, by the laws now in being, with the payment of the sum of which of hath proposed and agreed to lend, and hath now actually advanced and paid, towards defraying the expence of building the said new gaol, penitentiary house, and houses of correction, and of otherwise carrying the said act into execution; and we do hereby confirm and establish the said mortgage and charge hereby made unto the said his executors, administrators, and assigns, for securing the repayment of the said sum of and interest for the same, after the rate of* per centum per annum, *and do order the treasurer to the said commissioners to pay the interest of the said sum of half-yearly, as the same shall become due, until the principal shall be discharged, pursuant to the directions of the said act.*

Form of Charge upon the County Rates, for securing the Annuities.

WE, &c. [as in the form of the mortgage] *do hereby, in consideration of the sum of which of hath proposed and agreed to pay, and hath now actually advanced and paid, towards defraying the expence of building the said new gaol, penitentiary house, and houses of correction, and of otherwise carrying the said act into execution, charge and make chargeable all the rates to be raised within the said county, under the description of county rates, by the laws now in being, with the payment to the said his executors, administrators, and assigns, of one annuity or yearly sum of for the term of years* [or, *the life of the said* as the case may require]; *and we do hereby*

hereby confirm and establish the said annuity or yearly sum unto the said his executors, administrators, and assigns, and do order the treasurer to the said commissioners to pay the said annuity or yearly sum half-yearly, as the same shall become due, pursuant to the directions in the said act.

CAP. XI.

An act for raising a certain sum of money by loans or exchequer bills, for the service of the year one thousand seven hundred and eighty-five. —— 1,500,000l. raised as by malt act of this session.

CAP. XII.

An act for raising a further sum of money, by loans or exchequer bills, for the service of the year one thousand seven hundred and eighty-five. —— 1,000,000l. raised more as by malt act of this session.

CAP. XIII.

An act for repairing the highways, bridges, and ferries, in the county of Perth.

CAP. XIV.

An act for draining and preserving certain low lands, within the parish of Timberland, in the county of Lincoln.

CAP. XV.

An act to enlarge the term and powers of several acts relating to the harbour of Liverpool; and for making two additional docks and piers in or near the port of Liverpool.

Recital of 8 Annæ, c. 12. for making a dock at Liverpool, and enabling the trustees to borrow 6,000l. Act 3 Geo. 1. for enlarging the term granted by the recited act, and for borrowing 4,000l. more. Recital of 11 Geo. 2. c. 32. for enlarging the term and powers of the former acts, and for borrowing 6,000l. more for making an additional wet dock and dry pier. Recital of an act 2 Geo. 3. for enlarging the term and powers of the former acts, and for borrowing 25,000l. for paying former debts, and building another dock. Recital that another wet dock, &c. hath been built pursuant to the said act. 22,550l. now due to creditors. The present docks are not sufficient to hold the shipping. Two other wet docks requisite. Corporation of Liverpool have contracted to purchase the scite of several timber yards, and other ground, on the west side of Wapping street, there extending southwardly from the duke of Bridgewater's yard and dock, up to Toxteth Park; out of which grounds to be appropriated, viz. beginning at the northerly boundary of Toxteth Park, and running from thence northwardly 260 yards; and from Wapping westwardly 115 yards for one dock; and for the other, a slip of the westernmost part of the said purchased premises, extending from the duke of Bridgewater's yard and dock southwardly 386 yards, and in breadth 45 yards; for which, or so much as shall be so appropriated, the corporation to be paid in proportion to their purchase. And for a bason for both the said docks, it is agreed to appropriate a piece of waste ground, lying to the westward of the former, extending from the duke of Bridgewater's dock and yard southwardly 452 yards; from June 1, 1785, to be appropriated for the new docks and bason. Power to the common council to erect two new docks.

The

The duties continued, from the expiration of the term in act 2 Geo. 3. for forty-one years. 70,000l. to be raised by virtue of this act, subject to all prior incumbrances. Application thereof, first for expences of the act, then to pay former debts, and after for making, erecting, building, and finishing such docks, piers, and other works, as this act directed; and for maintaining, &c. the three present wet docks, and the buoys and land-marks, beacons, or perches, &c. erected in pursuance of former, or this act, and to pay the purchase money to the corporation. One third of the duties to be paid for ever. Reservation to the corporation of the ground not used for the docks. Property of the docks, &c. vested in the trustees. Extension of all the clauses relating to the other docks, to the two intended docks, &c. Saving of rights of the corporation of Liverpool, and all other persons. Publick act.

CAP. XVI.

An act for taking down the present market house, and certain other buildings, in the town of Uxbridge, for the purpose of widening The High Street; and for paving the foot-ways, and lighting and cleansing the streets and other places within the said town, and removing and preventing nuisances and annoyances therein; and for changing the course of the road between Mercer's Bridge and High Bridge; and for rebuilding the said market house.

Powers of the act to be exercised by a majority of trustees, who may appoint officers, and allow them salaries, and to take security from their treasurer, and may treat for the purchase of houses, &c. Incapacitated persons impowered to sell and convey. If such persons refuse to treat, &c. a jury to be summoned. Jurors may be challenged. Verdict of jury, &c. to be binding; and to be registered. Sheriff, &c. neglecting his duty, may be fined 10l. jurymen 5l. On payment of purchase money, premises to be conveyed. On default thereof, or if any defect in the title, the purchase money to be placed out for the use of the persons entitled thereto. Purchase money for premises in settlement, to be laid out to the like uses. Trustees having obtained possession of houses, to cause the same to be pulled down, and materials sold, for the purposes of the act. After the street is widened, trustees to cause a market place to be set out, and market house built. New market house, when built, vested in the lords of the manor of Uxbridge. Power to change the course of the road. Pavements, &c. vested in the trustees. Trustees impowered to cause the streets to be paved, &c. No person to alter the pavement. Power to provide lamps. Penalty on wilfully breaking lamps, &c. not more than 40s. nor less than 10s. Persons accidentally breaking lamps, &c. to make good the damage. Signs, &c. to be regulated. Trustees not to remove trees, &c. where the carriage-way is thirty feet wide. Application of the money subscribed to pay expences, and the overplus (if any) to be laid out for the benefit of subscribers. Statute duty and composition, and contribution in lieu thereof, to continue to be performed and paid. Surveyor to be appointed. Surplus of the composition and contribution money (after repairing the roads) to be applied in paving the foot-ways, &c. Penalties and forfeitures to be recovered by distress and sale of goods, and to be applied for the purposes of the act. Persons aggrieved may appeal to the quarter sessions; giving fourteen days notice. Limitation of actions. General issue. Treble costs. Not to diminish the rights of the lords of the manor. Publick act.

CAP.

CAP. XVII.

An act to enable the house of commons to authorize the select committee, appointed to try the merits of the petition of the honourable Saint Andrew Saint John, *complaining of an undue election for the county of* Bedford, *to proceed in case the said select committee shall be reduced to a less number than is prescribed by an act, made in the tenth year of the reign of his present Majesty, intituled,* An act to regulate the trials of controverted elections, or returns of members to serve in parliament.

Preamble.

WHEREAS *the select committee appointed to try and determine the merits of the petition of the honourable* Saint Andrew Saint John, *complaining of an undue election and return for the county of* Bedford, *have made a considerable progress in the matters to them referred, but are now, by the indisposition of two of the members of the said select committee, reduced to thirteen; and if the said committee should be further reduced, by the indisposition or death of any of the members remaining on the said select committee, the same would be dissolved, which would be attended with manifest injury and inconvenience to the parties concerned*; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if the said select committee shall, by the indisposition or death of any of the said members of the said select committee, be further reduced to eleven, it shall be lawful for the house of commons, upon application made to them for that purpose, to authorize and direct the said select committee to proceed in the matters referred to them, and report upon the same; which report shall be deemed to be as valid as if the number of the said select committee had not been reduced to eleven; any thing in an act made in the tenth year of the reign of his present Majesty, (intituled, *An act to regulate the trials of controverted elections, or returns of members to serve in parliament*), to the contrary thereof in any-wise notwithstanding.

If the committee shall be reduced to 11, the house of commons may direct them to proceed, and to make report.

CAP. XVIII.

An act to impower the justices of oyer and terminer and gaol delivery of Newgate *for the county of* Middlesex, *to continue to hold a session of gaol delivery of* Newgate, *begun to be holden before the essoign day of term, and sitting of the king's bench at* Westminster, *notwithstanding the happening of such essoign day, or the sitting of the said court of king's bench at* Westminster, *or elsewhere in the said county of* Middlesex.

Preamble.

WHEREAS, *by the present law of this realm, the power and authority of justices, appointed and authorised under and by virtue of any commission of oyer and terminer, or any commission of gaol delivery awarded into and for any county or place, are suspended by*

by the coming and ſitting of his Majeſty's court of king's bench in ſuch county or place: and whereas it hath oftentimes happened that the gaol of Newgate *in* London *hath not been delivered of all the priſoners in it, nor the buſineſs of a ſeſſion of gaol delivery of the ſaid gaol of* Newgate *for the county of* Middleſex, *finally concluded before the eſſoign day of term, and the ſitting of his ſaid Majeſty's court of king's bench at* Weſtminſter *in the ſaid county of* Middleſex, *by reaſon whereof divers priſoners in the ſaid gaol of* Newgate *have remained untried at ſuch ſeſſion, and have been kept and continued in the ſaid gaol until the following ſeſſion, to the great inconvenience of the publick, to the manifeſt hindrance and delay of juſtice, to the prevention of ſpeedy and condign puniſhment being inflicted on offenders, and to the great increaſe of the number of priſoners confined in the ſaid gaol, from which the moſt alarming and dangerous conſequences are at times dreaded and likely to enſue:* may it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame,

After May 3, 1785, ſeſſion of gaol delivery of Newgate for Middleſex, not to be diſcontinued by the fitting of the court of king's bench, &c.

That, from and after the third day of *May*, one thouſand ſeven hundred and eighty-five, when any ſeſſion of oyer and terminer and gaol delivery of the ſaid gaol of *Newgate* for the ſaid county of *Middleſex*, ſhall have been begun to be holden before the eſſoign day of any term, that the ſame ſeſſion ſhall and may be continued to be holden, and the buſineſs thereof finally concluded, notwithſtanding the happening of ſuch eſſoign day of any term, or the ſitting of his Majeſty's ſaid court of king's bench at *Weſtminſter*, or elſewhere in the ſaid county of *Middleſex*; and that all trials, judgements, proceedings, acts, deeds, matters and things whatſoever, and all proceedings, acts, deeds, matters and things, in purſuance of ſuch judgements had, made, and done at ſuch ſeſſion ſo continued to be holden after the eſſoign day of any term, or the ſitting of his ſaid Majeſty's court of king's bench at *Weſtminſter*, or elſewhere in the ſaid county of *Middleſex*, ſhall be good, valid, and effectual in law, and deemed, reputed, and taken to be ſo, to all intents and purpoſes whatſoever; any law, uſage, or cuſtom, to the contrary thereof in any-wiſe notwithſtanding.

Publick act. II. And be it further enacted by the authority aforeſaid, That this act ſhall and ſhall be deemed and taken to be a publick act.

CAP. XIX.

An act for appointing commiſſioners to enquire into the fees, gratuities, perquiſites, and emoluments, which are, or have been lately, received in the ſeveral publick offices therein mentioned; to examine into any abuſes which may exiſt in the ſame; and to report ſuch obſervations as ſhall occur to them, for the better conducting and managing the buſineſs tranſacted in the ſaid offices.

Preamble. WHEREAS *it is highly expedient for the publick ſervice, that an enquiry ſhould be made reſpecting the expences in the different*

different offices and departments of his Majesty's government hereinafter mentioned, and the fees, gratuities, perquisites, and emoluments, received and taken therein, with a view to such regulations as shall be judged expedient and proper for the correction of abuses which may have arisen, and to effect such savings as may be made in each; that is to say, The offices and departments under the management of the commissioners of his Majesty's treasury, the commissioners for executing the office of lord high admiral of Great Britain, *his Majesty's principal secretaries of state, the master general, the lieutenant general, the surveyor general, and officers composing the board of ordnance, the paymaster general of his Majesty's forces, his Majesty's secretary at war, the treasurer of his Majesty's navy, the commissioners of his Majesty's navy, the commissioners for victualling his Majesty's navy, the commissioners of the customs in* England *and* Scotland *respectively, the commissioners of the excise in* England *and* Scotland *respectively, the commissioners for sick and hurt seamen, the commissioners for taxes, the commissioners for stamps, the commissioners for salt duties, the postmaster general, the surveyor general of the land revenue, the auditors of the land revenue, the surveyor general of woods and forests, the commissioners for hackney coaches, and the commissioners for hawkers and pedlars:* be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the lords commissioners of his Majesty's treasury, for the office of the treasury, for the office of paymaster general of his Majesty's forces, the offices of customs and excise in *England* and *Scotland* respectively, the offices of taxes, stamps, and salt duties, the offices of the postmaster general, surveyor general, and auditors of the land revenue, surveyor general of the woods and forests, and also for the offices for hackney coaches, and for hawkers and pedlars, respectively; that the commissioners for executing the office of lord high admiral of *Great Britain*, for the admiralty, for the treasurer of the navy, for the offices of the navy and victualling, and for sick and hurt seamen, respectively; and the principal secretaries of state for their several offices, the master general of the ordnance for the office of ordnance, his Majesty's secretary at war for his office, shall, with all convenient speed, lay the returns of the fees, gratuities, perquisites, and emoluments, usually taken, demanded, or received, by any clerk or officer within any of the before-mentioned offices or departments respectively, or copies thereof, together with copies of the annual establishments, and also of the incident bills for defraying the contingent expences of the said offices or departments, as they respectively stood in the year one thousand seven hundred and eighty-two, or in such preceding and subsequent years as they shall judge most convenient, before sir *John Dick* baronet, and *William Molleson* esquire, comptrollers of the army accounts, together with *Francis Baring* esquire, who are hereby constituted commissioners for making the enquiries intended by this act: and that the said commissioners, or

Lords of the treasury, &c. to lay returns of fees, &c. taken in their respective departments, before the commissioners hereinafter named.

Names of commissioners:

their duty.

or any two of them, ſhall, and they are hereby required to take into their conſideration all the ſaid returns, eſtabliſhments, and incident bills, and ſhall proceed thereupon according to ſuch inſtructions and directions as they ſhall from time to time receive from the King's moſt excellent majeſty in council; and the ſaid commiſſioners ſhall, from time to time, report and certify their proceedings, in writing under the hands and ſeals of them, or any two of them, to the king in council, upon each office or department, ſpecifying what officers and clerks belong to or are employed in the ſame, and what is the duty, ſervices, and attendance required of them, together with the fees, gratuities, perquiſites, and emoluments, which the ſaid officers and clerks, or their ſubſtitutes or under clerks, may or ought lawfully to have and take for or in reſpect of their ſeveral offices and places; adding, at the ſame time, ſuch obſervations as ſhall occur to them, and ſuch plans, either for correction and improvement, or for aboliſhing or regulating any of the ſaid fees, gratuities, perquiſites, and emoluments, or for carrying into execution the general purpoſes of this act, as may appear to them proper to be adopted for the time to come; and in particular, the ſaid commiſſioners ſhall, in all caſes in which they ſhall be of opinion that any fees ought to continue to be taken in any of the ſaid offices or departments, conſider and report whether it will be practicable to appoint a perſon to receive and diſtribute the ſame, under the directions of the ſeveral boards or principal officers, in ſuch manner, and in ſuch proportions, as ſhall be hereafter ſettled.

Commiſſioners may take examinations on oath;

II. And be it further enacted, That it ſhall and may be lawful to and for the ſaid commiſſioners, or any two of them, and they are hereby impowered, authoriſed, and required, to examine upon oath (which oath they, or any two of them, are hereby authoriſed to adminiſter) the ſeveral perſons employed under the lords commiſſioners of his Majeſty's treaſury, the commiſſioners for executing the office of lord high admiral, the principal ſecretaries of ſtate, the maſter general of the ordnance, and his Majeſty's ſecretary at war, and the ſeveral perſons in any other of any of the offices or departments before mentioned, whom they ſhall think fit to ſummon at ſuch time or times as ſhall be fixed, on application to be made to the principals of the ſaid offices for ſuch purpoſe, and all other perſons who have had any dealings or tranſactions with the ſaid offices, or the repreſentatives of ſuch perſons, whom the ſaid commiſſioners, or any two of them, ſhall think fit to examine, touching the fees, gratuities, perquiſites, and emoluments taken therein, and touching all other matters and things neceſſary for the execution of the powers veſted in the ſaid commiſſioners by this act; all which perſons are hereby required and directed punctually to attend the ſaid commiſſioners, at ſuch time and place as ſhall be appointed, and alſo to obſerve and execute ſuch orders and directions as the ſaid commiſſioners, or any two of them, ſhall make or give for the purpoſes before mentioned.

III. And

and may send for persons, papers, and records.

III. And be it enacted by the authority aforesaid, That the said commissioners, or any two of them, shall be, and are hereby impowered to examine into any corrupt and fraudulent practices, or other misconduct, as far as relates to the purposes intended by this act, committed by any person or persons concerned in the management of any of the offices or departments herein-before mentioned: and, for the better execution of this present act, the said commissioners, or any two of them, are hereby authorised to meet and sit, from time to time, in such place or places within the cities of *London* and *Westminster*, as they shall find most convenient, with or without adjournment, and to send their precept or precepts, under their hands and seals, for any person or persons whatsoever, and for such books, papers, writings, or records relating to any of the offices or departments herein-before mentioned, as shall be necessary for carrying into execution the purposes of this act.

Commissioners to be sworn.

IV. And be it further enacted, That the said commissioners named in this act, before they enter upon the execution of the same, shall take an oath, before the chancellor of the exchequer for the time being (which he is hereby authorised and required to administer), the tenor whereof shall be as followeth; that is to say:

Their oath.

I A. B. *do swear, That, according to the best of my skill and knowledge, I will faithfully, impartially, and truly, execute the several powers and trusts vested in me by an act* for appointing commissioners to enquire into the fees, gratuities, perquisites, and emoluments, which are, or have been lately, received in the several publick offices therein mentioned; to examine into any abuses which may exist in the same; and to report such observations as shall occur to them, for the better conducting and managing the business transacted in the said offices; *according to the tenor and purport of the said act.*

Penalty on giving false evidence.

V. And be it further enacted by the authority aforesaid, That in case any person or persons, upon examination upon oath before the said commissioners respectively, as before mentioned, shall wilfully and corruptly give false evidence, every such person so offending, and being thereof duly convicted, shall be, and is and are hereby declared to be, subject and liable to such pains and penalties as, by any law now in being, persons convicted of wilful and corrupt perjury are subject and liable to.

On death, &c. of a commissioner, his Majesty may appoint a successor.

VI. And be it further enacted by the authority aforesaid, That in case of a vacancy or vacancies by death or resignation of any one or more of the said commissioners, during the continuance of this act, it shall and may be lawful for his Majesty to nominate and appoint such person or persons as he may think proper, to supply such vacancy or vacancies; and that every person so nominated and appointed (having taken the oath of office above mentioned) shall be held and considered to

be

be invested with all the same powers as are delegated to the commissioner appointed by this act, in whose room such person is so nominated.

Continuance of this act.

VII. And be it further enacted, That this act shall continue in force until the end of the next session of parliament.

CAP. XX.

An act for appointing commissioners to put in execution an act of this session of parliament, intituled, "An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and eighty-five;" together with those named in three former acts for appointing commissioners of the land tax, and with those named in the land tax act of the twenty-third year of his Majesty's reign, and in the land tax act of this session of parliament.

CAP. XXI.

An act to render more effectual several acts of parliament, for erecting hospitals and workhouses, within the city and county of the city of Exon, for the better employing and maintaining the poor there; and to raise further sums of money for the better carrying the purposes of the said acts into execution.

Recital of 9 & 10 Gul. 3. private act, No. 33. Act of 31 Geo. 2. c. 53. 2 Geo. 3. c. 20. respecting militia. 14 Geo. 3. c. 61. impowering corporation of the poor to raise further money. Not more than 3,300 l. per ann. raised in pursuance of the last act. Corporation impowered to raise 8,600 l. within a certain time. Not more than 2,200 l. to be raised in either of the two first, nor in any succeeding year more than 1,100 l. to be raised by the governor, &c. of the poor of Exon, by an equal taxation. To be applied towards discharging debts, &c. Parish officers to collect, and on nonpayment to distrain and imprison. Yearly meetings to raise money on the second Tuesday in June yearly. Deficiency arising by nonpayment of assessments, to be certified respectively to the corporation; and to be made good by re-assessment. Corporation impowered, in case of neglect or refusal of the mayor, justices, &c. to issue their warrants for levying assessments, to levy the same by distress and sale. Corporation to ascertain what weekly, monthly, or other sum necessary for maintenance of the poor. No person to be abated in assessment, so as to reduce the same under the weekly rate of two-pence, unless upon application to the mayor, justices, &c. Clause in former act respecting charitable gifts, &c. repealed. Disqualification of guardians, if made aldermen, or removing out of city or county for one year, or do not attend courts for one year, or be bankrupt, or discharged as an insolvent debtor, or compound his debts, or do not pay 3 d. per week poors rates. Out-patients of the Devon and Exeter hospital to be maintained by their respective parishes. In-patients to be provided with clothes by their respective parishes. Recital that the annual income of 3,300 l. is insufficient for the poor. Commissioners to be elected by their respective parishes. If no inhabitant within any particular parish qualified to be elected commissioner, power to elect from any other parish. Names of commissioners to be returned to the clerk of the corporation, who is to enter the same in a book to be kept for the purpose. New election, in case of death, or disqualification of commissioners. Commissioners to be summoned to attend meetings. Commissioners to be convened at a general court before any money levied above the annual assessment of 3,300 l. and 8,600 l. If commissioners neglect to attend general court, or be equally divided in opinion, or neglect to determine on the sum to be borrowed, corporation to apply to the quarter sessions. Treasurer to account within six months after the

the expiration of his office, or in default to be committed. Commissioners impowered to inspect accounts, and visit workhouses, &c. If guardians neglect to attend, commissioners may visit, and make report. No person to supply the workhouse with any kind of provisions, liquors, articles of manufacture, utensils, or other matters, above 50l. in a year, unless by publick contract. Penalties and forfeitures to be levied by distress. Persons or parishes over-rated may appeal to the quarter sessions. The mayor, &c. of Exon to convey the tolls of the market for security of any money for setting the poor to work. Continuation of former acts. This act not to annul proceedings under former acts. Charges of this act to be paid out of the first money arising thereby. Limitation of actions in six months. General issue. Treble costs. Publick act.

CAP. XXII.

An act for repealing so much of an act made in the last session of parliament as relates to the distillation of corn spirits in small stills, in certain counties or districts of the highlands in that part of Great Britain *called* Scotland; *and for authorising the commissioners of excise in* Scotland *to grant licences, to persons living in the said counties or districts, to distil spirits from barley, bear, or big, the growth of the said counties; and for imposing a duty on such licences.*

Preamble. 24 Geo. 3. c. 46. recited.

WHEREAS *by an act passed in the last session of parliament,* (*intituled,* An act to discontinue, for a limited time, the payment of the duties upon low wines and spirits for home consumption, and for granting and securing the due payment of other duties in lieu thereof; and for the better regulation of the making and vending *British* spirits, as well for home consumption as for exportation; and for destroying all home made and foreign spirits, after the condemnation thereof; and for vesting in his Majesty the duties of excise within the lands of *Ferintosh,* in the county of *Inverness*; and for discontinuing, for a limited time, certain imposts and duties upon rum and spirits imported from the *West Indies*); *it was, among other things, enacted, That it should and might be lawful for the commissioners of the excise, in that part of* Great Britain *called* Scotland, *or the major part of them, notwithstanding the several former acts and statutes then subsisting in relation to the distilling and manufacturing spirits from corn, and notwithstanding the provisoes and regulations in that act, to authorize and impower such number of persons as they should judge proper and expedient, within the highland parishes or districts of the counties therein-mentioned, to erect, keep, and work stills, the cubical contents of which, including the head, should not exceed twenty gallons,* English *measure, or at the most thirty gallons, nor in any case be of less than the first mentioned size: and whereas it now appears that the purposes which the said act was intended to answer, with respect to the revenue, and the improvements of agriculture in the parishes and districts aforesaid, have been in a great measure defeated by the variety of restrictions therein contained, and particularly by the size of the stills being too small;* be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present

So much of the recited reſpects Highland, repealed.

preſent parliament aſſembled, and by the authority of the ſame, That ſo much of the ſaid act as particularly reſpects the Highland counties of *Scotland*, ſhall be, and the ſame is hereby repealed, and that no action for penalties incurred ſhall be brought in terms thereof.

Licences may be granted annually, by the commiſſioners of exciſe in Scotland, within certain highland counties, for diſtilling corn ſprits.

II. And be it further enacted by the authority aforeſaid, That upon the firſt day of *December*, one thouſand ſeven hundred and eighty-five, or as ſoon as may be in the courſe of that month, and ſo from year to year thereafter, it ſhall and may be lawful to and for the commiſſioners of his Majeſty's exciſe in *Scotland*, or the major part of them, by licences under their hands, to authoriſe perſons, qualified as herein-after mentioned, within the ſeveral counties of *Orkney*, *Caithneſs*, *Sutherland*, *Roſs*, *Cromarty*, *Inverneſs*, *Argyle*, *Bute*, *Stirling*, *Clackmannan*, *Perth*, *Dumbarton*, *Aberdeen*, *Forfar*, *Kincardine*, *Banff*, *Nairn*, and *Elgin*, (excepting thoſe parts of the counties of *Dumbarton*, *Stirling*, *Clackmannan*, and *Perth*, herein-after deſcribed), to

Size of the ſtills.

erect, keep, and work ſtills, the cubical contents of which reſpectively ſhall not be leſs than thirty, nor more than forty gallons of *Engliſh* meaſure, including their reſpective heads, and to diſtil and draw off ſpirits from the barley, bear, or big, of the growth of the ſaid counties, during the term of one year, and for no longer or ſhorter ſpace, from the date of the commiſſion or licence, and to uſe, ſell, and diſpoſe of the ſpirits ſo diſtilled, ſubject to the reſtrictions and regulations, and on payment of a compoſition or licence duty at the rate of twenty ſhillings ſterling for each *Engliſh* gallon of the content of ſuch ſtill, for the ſpace aforeſaid, and that in place of the whole rates and duties impoſed on the diſtilling of corn ſpirits, and upon the malt or grain from which the ſpirits are extracted; but declaring that the licenſed diſtillers ſhall not be allowed any drawback or deduction from the above duty, on account of their, or either of them, having bought from any entered maltſter any part of the malt to be uſed by them, and for which the ordinary duties upon malt have been paid, or are due.

III. *And, for the better aſcertaining the perſons to whom ſuch licences may be granted, the conditions under which they are to be obtained, and the powers of the commiſſioners of exciſe, and others, with reſpect to the granting thereof*, be it enacted by the authority aforeſaid, That, within two months after the paſſing of this act, the heritors of each pariſh, within which ſuch licenſed ſtills are to be permitted, or perſons duly authoriſed to act for them, ſhall aſſemble in the pariſh church, previous notice of the day and hour and purpoſe of ſuch meeting being given by advertiſement, ſigned by the collector of the exciſe of the bounds, and by one or more of the principal heritors of the pariſh, or their factors, and affixed on the church doors for two *Sundays* preceding the day of meeting; and ſhall proceed by a majority of the voices, not in point of number, but according to the extent of their valued rents, ſo that thoſe who collectively ſhall have the greateſt part of valued rent, ſhall be deemed to have the majority

The heritors of each pariſh to aſſemble, and make out a liſt of perſons proper to be licenſed

majority of voices, to make out a list of the persons within the said parish to whom such licences may most properly be granted; which list the preses or clerk of the meeting shall forthwith transmit to the commissioners of excise at *Edinburgh*, and a copy thereof to the collector of excise within whose bounds the said parish lies; and the said commissioners shall have power to limit the licences to be granted, in consequence of the said lists, to such number as they shall judge the particular circumstances and population of each parish or county shall require, provided the number be not less than two for each parish, if so many shall be demanded by the heritors; which being done, the said commissioners shall, without delay, return the said lists, so approved of or restricted, to the different collectors of excise, with orders to give immediate notice thereof, to the persons to whom licences are to be granted, and to require them to find security, as herein-after mentioned.

Lists to be transmitted to the commissioners of excise at Edinburgh.

IV. And be it enacted, That, in all succeeding years, the heritors of each parish shall assemble for the purpose of making out the lists as aforesaid, in the first or second week of *May*, at the parish church, previous notice being given of the precise day and hour of meeting by advertisement on the two preceding *Sundays* as aforesaid; which lists shall be transmitted to the commissioners of excise, in the manner before directed, who shall, without delay, give notice to the respective collectors of excise of the bounds, to what extent the lists are approved of, and who are to be intitled to licences, on the first day of *December* following, or as soon after as may be in the course of that month; and the collector or collectors shall in like manner forthwith give the same notice to the persons who are to receive the licences: and if, from neglect or inattention, no list shall be transmitted from the heritors of any parish to the said commissioners the said commissioners shall nevertheless give orders to the collectors of excise of the bounds to issue licences for the ensuing year to such persons as they shall think proper, the number of which persons shall not be less than two, as before mentioned, if so many are demanded; and those persons who held them for the preceding year shall have the preference, on paying the former composition, and complying with the other regulation herein-after mentioned.

Heritors to assemble, after the present year, in the month of May.

If heritors neglect to transmit lists, commissioners to license such persons as they think proper.

V. Provided always, and it is hereby specially provided and declared, That no licence shall be granted to any person to erect or work any still under this act, within ten *English* statute miles of any distillery regularly entered according to the laws of excise, and provided such entered distiller has paid yearly, for the two preceding years, duties to the extent of eight hundred pounds sterling yearly, and is going on in the same business; or who, being in that business, and within the distance aforesaid, shall require the suppression of a small still, and give obligation, with sufficient security, that the duty to be imposed upon the distillery, carried on by him, her, or them, shall amount to at least the said yearly sum of eight hundred pounds

Power of granting licences limited.

sterling for two years to come, the distance to be computed by the usual publick road, or by any usual ferry or passage by water.

Certain conditions to be complied with by every person applying for a licence.

VI. Provided also, That no person shall be intitled to a licence under this act who shall not, at the time of his or her application, produce a recommendation from the heritor on whose property he or she lives, or his factor, and a certificate of his or her being a person of good character, and reputed in good circumstances, together with the name or names of the person or persons proposed to be given as security for the payment of the duty hereby imposed upon his licence, and of the further sum of fifty pounds sterling, to answer the payment of such penalties as he or she may incur.

Persons who are to obtain licences must give proper security to the collector of excise.

VII. And be it further enacted, That when the persons who are to obtain licences in any particular parish are thus ascertained, they shall be obliged to find security, to the satisfaction of the collector of excise of the bounds, that they shall take out their licences at the time and in the manner before directed, and shall make payment of one quarter of the said licence duty at the time when the licence shall be delivered to them, and of another quarter of the same at the end of each three months then after, till the whole twenty shillings is paid for the year's licence; and in case they, or either of them, fail to give such security, with at least one cautioner bound for him, to the satisfaction of the collector as aforesaid, the person so failing shall not be intitled to the licence, but in that case it shall be in the power of the said collector to grant a similar licence to any other person within the same parish who shall appear to him sufficiently qualified for the purpose, and who is willing to pay and find security as aforesaid, the collector of excise always preferring those who have been recommended by the heritors; and that each licence so to be issued as aforesaid, shall specify the name and place of residence of the person who obtains it, the place at which the still is to be erected, the size of such still, together with an acknowledgement of the licence duty to the above extent being paid, and security found for the penalty, as before directed.

Licence to specify the name and residence of the person who obtains it, with the size of the still, etc.

VIII. *And whereas the said privilege and exemption are hereby granted for the purpose of promoting agriculture and improvement in the said highland counties and districts, and for accommodating the inhabitants thereof with spirits drawn from their own grain at moderate rates; and it has been computed that a still of forty gallons, wrought in the manner known and practised in those districts of the country, and during that part of the year in which it will commonly be in their power to work them, will manufacture into good spirits two hundred and fifty bolls,* Linlithgow *measure, of the barley, bear, or big, of these counties, and no more, which will produce, at an average, one thousand six hundred and sixty gallons of pure spirits, and that the produce of smaller stills will be in a similar proportion;* be it therefore enacted, That when a licence shall be taken out, and the composition duty paid, for a still of forty gallons, such duty

Computation of the quantity of grain

duty ſhall be held to be a compoſition for the duty on malt to the extent of two hundred and fifty bolls, *Linlithgow* meaſure, and no more, and for the duty on the ſpirits manufactured in ſuch ſtill to the extent of one thouſand ſix hundred and ſixty gallons *Engliſh*, and no more; and when a licence ſhall be taken out, and the compoſition duty paid, for any ſtill of a leſſer ſize, the like proportion ſhall be obſerved both as to the quantity of malt, and the quantity of ſpirits for which ſuch duty ſhall be held to be a compoſition; and that for all malt which ſhall be uſed or made by ſuch licenſed diſtiller, over and above the ſaid quantity, and for all ſpirits which ſhall be manufactured from ſuch ſtills, over and above the quantity aforeſaid, there ſhall be paid the ſame duties to which the entered maltſter and diſtiller are, by the laws of exciſe, liable.

made into ſpirits yearly by a ſtill of 40 gallons, and of the ſpirits produced therefrom.

Duty to be paid for all malt and ſpirits exceeding thoſe quantities.

IX. *And, for the more effectually ſecuring to his Majeſty's revenue the payment of the above-mentioned duties, for all ſpirits which the owners of ſuch ſtills ſhall be able to manufacture beyond the quantity correſponding as aforeſaid, to the reſpective ſizes of the ſtills*, be it enacted by the authority aforeſaid, That the officers of exciſe ſhall at all times have full liberty to enter into and ſurvey the malt barns and diſtilleries belonging to ſuch licenſed diſtiller, and to keep an exact account of the malt and ſpirits manufactured therein, and to charge with the uſual duty all malt, made or uſed therein, exceeding the quantity of two hundred and fifty bolls in the year, and all ſpirits exceeding in quantity one thouſand ſix hundred and ſixty gallons annually; and that no ſpirits ſhall, from and after the ſaid firſt day of *December*, one thouſand ſeven hundred and eighty-five, be allowed to paſs or be carried from one place to another within the counties or diſtricts aforeſaid, to which counties or diſtricts the ſale of the ſpirits to be manufactured in the ſtills to be licenſed under this act is hereby expreſsly reſtricted, without being accompanied with a permit from the proper officer, expreſſing the quantity ſo permitted to paſs, and alſo mentioning that the ſame is the produce of a licenſed ſtill; that the owner or owners of ſuch licenſed ſtill or ſtills ſhall, in conſideration of the annual compoſition paid by him, her, or them, be entitled to demand free permits, in the courſe of the year for which ſuch licences are held, for the quantity of ſpirits before expreſſed as the produce of a ſtill containing forty gallons, and for a proportional quantity if the ſtill be of a leſſer ſize, but for no more, allowing them to paſs any where within the ſaid counties or diſtricts; and in ſo far as permits are demanded for a greater quantity, they ſhall only be obtained on payment of the duties chargeable by law on the entered diſtillers and maltſters.

Exciſe officers may enter and ſurvey malt barns and diſtilleries, and charge with the uſual duty all ſuch malt, etc. manufactured therein.

From Dec. 1, 1785, no ſpirits to be removed, within the before-mentioned diſtricts, without a permit.

X. *And, for the more effectually preventing the ſpirits which may be diſtilled by virtue of this act, from interfering with or prejudicing the trade of the entered diſtillers, who carry on their buſineſs ſubject to the payment of thoſe duties which are impoſed by the laws of exciſe*; be it enacted, That no ſtill ſhall be licenſed in the counties of *Dumbarton*, *Stirling*, *Clackmannan*, and *Perth*, to the eaſt or right

No ſtills to be licenſed in certain parts

of the counties of Dumbarton, Stirling, etc.

right hand of a line beginning at the boat of *Baloch*, where *Loch Lomond* runs into the river *Leven*, and proceeding along the great military road from thence by *Bucklivie*, to the town of *Stirling*; and from thence along the great road called *Hillfoot Road*, on the south side of the *Ochell Hills*, till it meets with the great road from *Kinross* to *Perth*, and along the same till it comes to the bridge of *Earn*, and along the water of *Earn* till its junction with the river *Tay*, and along that river till it joins the *German* ocean; and that no spirits, the produce of such licensed stills, shall be allowed to pass, either with or without permit, into the southern parts of the kingdom, either by land across the line above expressed, or by water carriage from the coasts or ports of any of the counties mentioned in this act; and that all spirits, distilled to the west and north of the above line, the produce of such licensed stills, or not produced by stills entered in the manner directed by the laws of excise, that shall be found passing to or in other parts of the kingdom, either with or without permit, shall be liable to seizure by the proper officers, to be disposed of by them in the same manner as other spirits so seised are directed to be disposed of by the laws of excise.

Spirits, the produce of licensed stills, removed to the southern parts of the kingdom, liable to seizure.

Penalty on licensed distillers for having in their possession stills larger than those compounded for;

XI. And it is hereby enacted by the authority aforesaid, That every licensed distiller having in his possession or using a still of larger dimensions than those for which he has obtained a licence, and paid a composition, shall be subject to a further duty of two pounds sterling for each gallon such still shall contain, over and above the quantity specified in his licence; and if such surplus shall exceed three gallons *English*, he shall forfeit such still, and all the utensils thereto belonging, together with his licence, and be liable to a penalty of twenty pounds sterling; and further, if he shall be convicted of having in his possession any other still than that for which he has obtained a licence, he shall in like manner forfeit his licence, and be subject to a penalty of fifty pounds sterling, and such unlicensed still shall be seised and forfeited; and every licensed distiller, who shall be convicted of using any grain, not the growth of the counties above-mentioned, or some one of them, shall forfeit five shillings *per* bushel for all such grain or malt, and shall in like manner forfeit his still and utensils, and his licence.

or on disposing of any malt, etc.

XII. And it is hereby declared, That no licensed distiller or distillers shall sell or dispose of any malt, under any pretence whatever, nor have in his, her, or their custody, any corn spirits other than those of their own manufacture, unless the same shall have been purchased from an entered or licensed distiller, and accompanied with a regular permit; and if he, she, or they, shall act contrary hereto, he, she, or they, shall forfeit their licence and utensils, and double the value of the said malt and spirits.

XIII. *And whereas the licensed distiller is intitled by this act to a free permit to the extent of one thousand six hundred and sixty gallons of spirits, for a still of forty gallons, and so in proportion for one of a lesser*

a lesser size, being the full quantity for which the above composition is meant to be paid; it is declared, That no spirits shall be removed from the place they are distilled at, without a permit; and that all spirits carrying from one place to another, without permit, shall be seised and forfeited.

No spirits to be removed from the place where distilled, without a permit.

XIV. *And, in order the more effectually to prevent the use of stills of any other size than those allowed by the laws of excise, or those authorized by this act, and the distilling of corn spirits by any persons other than those qualified according to law, or who shall hold licences in pursuance of this act*, be it enacted, That, from and after the passing of this act, no still shall be made or offered to sale for home use, without having stamped or engraved thereon the maker's name, and place of residence, with its cubical content expressed by the number of gallons, under a penalty of ten pounds sterling on the maker or seller of every still made or sold contrary to this provision; and also, that all stills made for the use of chymists, druggists, or perfumers, shall in the same manner be marked, *Chymists*, *Druggists*, or *Perfumers Still*; and that no person shall sell, for home use, a still of the dimensions permitted to be licensed by this act, except to persons who possess licences in pursuance thereof, or on seeing a certificate, from the collector of the bounds, of their licence being ordered by the commissioners of excise; and further, That if any still shall be found, on the said first day of *December* next, in the possession of any person residing within any of the before-mentioned counties or districts, not having the name and place of the maker, its contents, or number of gallons, expressed upon it as herein-before directed; or if its dimensions be of a kind not allowed by law to be used in the distillation of corn spirits, not marked as a druggists, chymists, or perfumers still, such still shall be liable to seizure by any officer or officers of excise, who are hereby directed to destroy the same; and the materials of all such illegal stills, so seised and destroyed, shall be sold by or under the direction of the collector of the bounds, and the money arising from such sale shall be disposed of in like manner as the penalties herein-after mentioned are directed to be disposed of.

Directions relative to the making of stills.

Stills made contrary thereto, may be seised and destroyed.

XV. And be it further enacted, That the licensed distiller, on the expiration of his licence, unless the same shall be renewed within eight days after such expiration, shall be obliged to deposit his still with the officer of the district, or to dispose of it in the view and presence of the said officer, to some other person taking out a licence, or to the original maker thereof; and in case of his failing so to do, or using the said still during the said eight days, he shall be considered as an illicit distiller, and be liable to the same penalties.

Stills how to be disposed of, after the expiration of licence.

XVI. And be it further enacted by the authority aforesaid, That the commissioners of excise may withdraw the licences, or restrict their number, in all or any of the counties before-mentioned, during the course of any year, upon an application from the commissioners of supply of such county, assembled at a meeting

Commissioners of excise may withdraw licences, or restrict their number, upon

application from the commissioners of supply.

a meeting previously advertised and called for the purpose, by the convenor of the county, certifying, as the ground of such application, that there are probable grounds for apprehending a scarcity of grain; and in case the licences shall be withdrawn, the licensed distillers shall be respectively intitled to a return or abatement of a proportion of the duty which had been paid for such licences; and in case a restriction only shall be imposed, such restriction to be proportionably laid on all the parishes of the county.

Penalties and forfeitures how to be recovered and applied.

XVII. And it is hereby further enacted, That all penalties and forfeitures imposed by this act, shall and may be sued for before any two of his Majesty's justices of the peace within the county where the offence shall be committed, whose sentence shall be subject to review only by the justices of the county in their quarter sessions, or before the barons of his Majesty's court of exchequer, but before no other court; and that the said penalty and forfeiture shall be sued for and recoverable by any of the officers of excise, or any of the expectants of excise, or any member of the kirk session in the parish within which the offender lives, or by any licensed distiller within the same parish or county; and the one half of the said penalties and forfeitures shall go to the poor of the parish within which the offence is committed, and the other half thereof to the prosecutor, and of which there shall be no power of mitigation; and all actions for the recovery thereof shall be commenced within six months after such offence has been committed.

Limitation of actions.

CAP. XXIII.

An act for better paving, cleansing, lighting, and watching the streets, lanes, yards, courts, alleys, and passages, within that part of the parish of Saint Mary Magdalen, Bermondsey, in the county of Surrey, called The Water-side Division, and for removing and preventing nuisances, and annoyances therein; and for lighting and watching certain parts of and belonging to the turnpike road leading from the east end of New Street, in Southwark, to Deptford, in the county of Kent, within the said Water-side Division of the said parish, therein mentioned.

Commissioners appointed for putting this act in execution. Qualification of commissioners, 50l. per ann. or 1,000l. personal estate Penalty on acting, not being qualified, 50l. Victuallers incapable of being commissioners. Meetings to consist of 5 or more commissioners. Adjournments. Commissioners to pay their own expences. Commissioners may appoint officers, and allow them salaries. Officers to account. If balance be not paid, it may be levied by distress. On failure of distress, etc. offender may be committed. Limitation of imprisonment, six months. Officers taking fees, or being interested in any bargain, incapable of serving, and to forfeit 100l. Commissioners impowered to pave all the streets, lanes, yards, courts, alleys, and passages, within the said division, of the said parish of Saint Mary Magdalen, Bermondsey; and also to repair all the highways in the said parish, not under the direction of particular trustees, by virtue of any act of parliament, and to cause all to be cleansed, lighted, and watched; and may light and watch the turnpike road, and contract for pavements, etc. Surveyors to inspect the works, and if contract not performed, actions to be brought thereon. Materials may be dug out of or brought into

into ſtreets, etc. Property of all materials to be veſted in the commiſſioners. Penalty on interrupting workmen; firſt offence, 20s. ſecond, 40s. and third, 3l. Commiſſioners may ſell the old materials, and apply the money to the purpoſes of the act. No alteration to be made in the form of the pavement, without conſent of commiſſioners. Commiſſioners to provide watch-houſes, watch boxes, watchmen, and beadles. The duty of watchmen and beadles is to endeavour to prevent all miſchiefs by fire, all murders, burglaries, robberies, diſturbances, and breaches of the peace, and all outrages, miſdemeanors, indecencies, and diſorders; and for that purpoſe, without warrant, to arreſt, and detain in the watch-houſe, or other convenient place, provided by the commiſſioners within the ſaid Water-ſide Diviſion, all malefactors, rogues, vagabonds, diſturbers of the peace, and other diſorderly perſons, found loitering, wandering, or miſbehaving, or committing diſorders in or near the ſaid diviſion, or whom the ſaid watchmen ſhall have reaſon or juſt cauſe to ſuſpect of any evil deſign, to be carried before a juſtice of peace, to be examined and dealt with according to law. Commiſſioners of ſewers to make and repair grates, ſewers, and drains, and to caſt the ſewers within the ſaid diviſion. If commiſſioners of ſewers neglect to do the works, commiſſioners for pavements to do the ſame, and recover expences. Commiſſioners of paving to alter gutters, or channels in the ſtreets. Lamp-irons may be fixed againſt walls of houſes. Perſons wilfully damaging lamps, etc. may be ſeized without warrant, and to forfeit 5l. for each lamp, and pay damages, or may be committed to hard labour for fourteen days. Perſons accidentally damaging lamps, etc. to make ſatisfaction. Commiſſioners to employ perſons to cleanſe, and to purchaſe carts, etc. Penalty on laying aſhes, etc. in the ſtreets; firſt offence, 20s. ſecond, 40s. and third, 3l. ſaving the right of the owner or occupier of the mill-pond there, who may caſt the ſoil thereout as heretofore. Penalty on obſtructing the ſtreets by carriages, etc. to forfeit 20s. and pay damages. Penalty on driving, etc. wheel-barrows, etc. on the foot pavement; for firſt offence, 5s. ſecond, 10s. and third, 20s. Hoards, etc. may be made for building, by leave of the ſurveyor. Foot pavements to be ſwept every day except Sundays. Houſes to be numbered, and names of ſtreets to be affixed on the corner houſes. Signs, etc. regulated. Penalty on offenders, 5l. To remove the ſoil, at any time caſt out of Saint Saviour's Mill-pond, within five days. If ſoil not removed within five days, the ſurveyor to remove the ſame, and recover double the expence. Steps, etc. projecting too far to be removed. Commiſſioners not obliged to pave highways. Rates, upon occupiers of houſes, ſhops, warehouſes, wharfs, dock-yards, or other yards, mill, mill-ponds, rope-walks, cellars, vaults, or other tenements in the ſaid diviſion, whether occupied with land or not, and on every perſon occupying land therein, and on all occupiers of houſes, ſhops, warehouſes, land, cellars, vaults, or other tenements in the diviſion of the ſaid pariſh of Bermondſey, called The Land-ſide Diviſion, on the ſouth ſide of the turnpike road, ſo to be lighted, at the rate of 2s. 3d. in the pound on houſes, and 9d. in the pound on land: and the houſes in the occupation of Samuel Read, Robert Lewis, Thomas Crout, William Randall, Thomas Child, Thomas Flowers, William Burrell, and John Keating, to be charged with the land held therewith, at 9d. in the pound. Half rates till paved. Rates to be ſigned by juſtices. Owners of houſes, let out in tenements, to be aſſeſſed, and to be paid by any tenant, and deducted out of the rent. Meeting-houſes and void ſpaces of ground to be rated at the diſcretion of the commiſſioners, and to be paid by the proprietor, truſtee, treaſurer, or miniſter, or deacon officiating. Rates recoverable by action, with coſts. Occupiers quitting without paying rates may be followed, and by warrant their goods diſtrained. Any perſon authorized by commiſſioners to inſpect pariſh rates, etc. Perſons paying this rate exempted from all other expences of paving, etc. Pavements liable to be repaired by any pariſhes, corporations, or truſtees of turnpikes, etc. to be repaved at their expence. The commiſſioners may compound with ſuch pariſhes. 3,000l. may be borrowed on annuities. Annuities charged upon the rates, and

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not liable to the land tax. When annuitants die, other annuities may be purchased. Annuities may be assigned. As annuitants die, the rates to be lowered. Monies raised vested in the commissioners. Expences of passing this act to be first paid. Commissioners may purchase lands, etc. Monies in the hands of the treasurers, receivers, or collectors, to be the first paid in case of death. Power to repair or rebuild certain bridges over the Mill pond, viz. Folly Bridge, Water-lane Bridge, London-street Bridge, and the bridges at the west and east end of Jacob-street. Proviso for excluding Five-foot Lane out of the act. Penalties may be mitigated, but not to less than a moiety. Commissioners to relay pavement taken up for repairing any vaults, drains, or pipes, and to be reimbursed by the party taking up such pavement. Power given to compound with commissioners of sewers. Action to be brought for expences, of relaying any pavement. Penalty on neglect of giving notice of taking up the pavement for 24 hours, 20s. Commissioners to pay for altering pipes. Persons aggrieved may appeal to the quarter sessions. Penalties and forfeitures to be recovered by distress and sale of goods, and in default of goods, to be committed for three months, and not less than fourteen days, or till paid, and to be applied for the purposes of the act. Commissioners may reward informers. Distress not unlawful for want of form. Plaintiff not to recover if tender of amends hath been made. Minute book to be kept. Justices impowered to administer oaths. Commissioners who are justices may act as such. Proceedings not to be quashed for want of form. Inhabitants may be witnesses. Limitation of actions, in six months. General issue. Treble costs. Publick act.

CAP. XXIV.

An act to repeal so much of an act made in the last session of parliament, as imposes duties on all stuffs made of cotton and linen mixed, and stuffs wholly made of cotton wool wove in Great Britain, *not being printed, painted, or stained; and on licences for bleaching or dying the same.*

Preamble. 24 Geo. 3. c. 40. recited.

WHEREAS *an act was made in the last session of parliament, (intituled,* An act for granting to his Majesty additional duties on linens printed, painted, stained, or dyed in *Great Britain*; and for granting certain duties on cotton stuffs bleached or dyed in *Great Britain*; and on licences for bleaching or dying the same; and upon the importation of stuffs made of, or mixed with cotton, not painted, printed, stained, or dyed, in foreign parts): *and whereas so much of the said recited act as imposes duties on all stuffs made of cotton and linen mixed, and stuffs wholly made of cotton wool wove in* Great Britain, *not being printed, painted, or stained, and on licences for bleaching or dying the same, has been found inconvenient*; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, so much and such part of the said recited act, as imposes duties on all cotton stuffs made of cotton and linen mixed, and stuffs wholly made of cotton wool wove in *Great Britain*, not being printed, painted, or stained, and on licences for bleaching or dying the same, shall be, and the same is hereby repealed,

Part of the recited act repealed.

CAP.

CAP. XXV.

An act for allowing further time for the importation of goods the produce or manufacture of the island of Tobago, upon payment of the British plantation duties.

23 Geo. 3. c. 14. recited. Goods, the produce of Tobago, may be imported before Dec. 31, 1785, upon payment of British plantation duties. Purport of the oath to be taken by the importer.

CAP. XXVI.

An act for the better preservation and improvement of the river Wear, and port and haven of Sunderland, in the county Palatine of Durham.

Act 3 Geo. 1. Private act No. 3. 13 Geo. 1. c. 6. 20 Geo. 2. c. 18. The duties in that act, 2d. per chaldron of coals and cinders. Act 32 Geo. 2. A further duty of 2d. per chaldron of coals and cinders. The works done under the said acts; a large pier and key, and deepening the channel. The present situation and condition of the port: the east end of the pier ruinous. That the duties are insufficient. 1,400l. borrowed on the credit of the tolls. The importance of the port, etc. It would be convenient to have all necessary powers in one act. The term of the former acts continued, and the provisions of this act to be exercised for twenty-one years more. Commissioners appointed. The qualification of commissioners, 100l. per ann. Penalty on acting, not being qualified, 50l. Commissioners to take an oath of qualification yearly. Meetings, June 13, and as often as necessary. If not seven commissioners present, chairman to adjourn. Commissioners to pay their own expences at meetings. Chairman to be present at meetings; and have a determining vote. If chairman not able to attend on a notice left at his house, another to be chosen. Times for chusing the chairman, June 30, and Dec. 31, yearly. For electing commissioners on death, etc. in twelve months. Commissioners may appoint officers, and allow them salaries. Officers not to be removed unless eleven commissioners present. Commissioner who does not attend in twelve months, not to vote in removal or election of officers. Commissioners not to hold offices, etc Officers to take an oath. Power for improving the navigation. Materials may be taken from private grounds, making satisfaction for damages. Power to purchase lands, etc. Incapacitated persons impowered to sell and convey. To ascertain the value, where persons do not treat to sell. Sheriff or coroner to return a jury. Jurors may be challenged. Jury to ascertain damages, etc. Verdict of Jury, etc. to be final; (except as after.) Witnesses or jurymen making default, may be fined. Fees to sheriff, and expences of jury, etc. by whom to be paid. Verdicts and judgements to be returned to the sessions. Damages done by the works being made, to be provided for. On tendering money agreed or ascertained, to proceed in the work. If any parties are dissatisfied with the jury's verdict, they may try the value, etc. in a feigned issue in the court of pleas at Durham. Expences of trial for settling damages, etc. to be paid according to the event. Lands, etc. to be used for the purposes of the navigation only, and the owners to hold and enjoy the same for other purposes. Commissioners not to have waggon ways, but for the purposes of navigation. Owners, masters, or skippers, to be answerable for damage done to the piers, etc. by any of the crew. The property of buildings, etc. vested in the chairman; who is impowered to prosecute. To prevent abuses and annoyances. A jury to be summoned. Jury to give in their verdict, etc. Time for repairing keys, etc. three months, and removing impediments. Further time to repair, etc. to be allowed, if necessary. Owners of lands may go thereon to build keys, etc. without being guilty of a trespass to the occupier. Commissioners may sue and be sued in the name

of their chairman. No action or indictment to be brought or preferred, but by order of eleven commissioners. To prevent skippers, etc. from overloading their keels used for ballast, to forfeit 40s. Owners and skippers names to be on the keel. Keels for ballast to be weighed, etc. Coal keels to be entered, and marked. Pitch, etc. shall be boiled on board vessels, by an iron instrument called a Loggerhead, on forfeiture of 5l. Time allowed for weighing and raising vessels sunk, twenty four hours, or to pay damages. To prevent ballast being cast into the river, penalty 5l. To prevent casting ballast without a port sail, penalty 5l. To prevent ballast lying on the keys too near the edge, penalty 5l. Power for the engineer to remove ballast, etc. Penalty on taking coals, etc. on board of ships in the narrow, 5l. or in the channel between the high stairs, belonging to John Thornhill, esq; and the extreme east end of the pier; except between the said stairs and the coble slip, if but one ship in a tier, next to the key; or to the north side of the channel, if but one ship in a tier. Not to moor ships in the narrow, except as aforesaid. No ships to lie in the narrow, after being loaded or delivered, on penalty of 5l. Stopping the passage. or hindering the works, penalty 5s. an hour. Proceedings against offenders withdrawing. Commissioners may bring an action. Wilfully damaging the works, to answer damages. To prevent ships being misled by fire of limekilns, commissioners to build walls, to be repaired by the owner. New duties on coals and cinders, brought to the said river, between South Biddick or Biddick Ford, and the port of Sunderland, 3d. per chaldron by owners, and 1d. per chaldron by fitters. Commissioners may collect duties already due. For ascertaining the quantities of coals liable to duty, may examine on oath persons belonging to colliers. Exemption from duties; if coals be lost or used in making salt and glass, glass bottles, vitriol, copperas, earthen ware, bricks, tiles or lime, in limits of the said port, to be proved on oath. If the staithmen do not appear to be examined, owners may be charged with 8d. per chaldron, and fitters with 4d. per chaldron, for not above 25,000 chaldrons in a year, as the commissioners think fit. Commissioners may borrow money, and assign the tolls as a security. Form of assignment. Assignments may be transferred. Form of transfer. The manner of levying penalties, by distress and sale of goods. For rewarding informers. The money to be applied to pay the expences of act, and paying charge of several works done in pursuance of the act, and paying money borrowed and interest. Information to be given in six months, and prosecution in twelve months. Offenders not to be punished twice. Commissioner not to sit or vote in his own case. Proceedings to be entered in books, and to be evidence. No order to be quashed for want of form. No order to be repealed, unless eleven commissioners present. Commissioner being a justice may act as such. Power to make bye-laws; and notice thereof to be given by advertisement. Commissioners may administer an oath to prove serving of process, etc. Persons giving false evidence, to be deemed guilty of perjury. Quakers affirmation to be taken, under like pains and penalties. Officers to account. Penalty on default. For want of distress by commitment till account, &c. or by action. Officers to deliver up books, etc when required so to do by the commissioners, or to be committed. Persons aggrieved may appeal to the quarter sessions. For preserving the keys, etc. used at the time of passing this act. Allowing the building of new keys, wharts, and staiths. Nuisances may be punished at common law. Commissioners to satisfy damages occasioned by carrying on any new works; and keys, etc. to be rebuilt: damages to be assessed by a jury. Saving of rights to the lord bishop of Durham, and others. Navigation to be free. Limitation of actions. General issue. Treble costs. Publick act.

CAP.

CAP. XXVII.

An act for the better relief and employment of the poor within the hundreds of Tunstead and Happing, in the county of Norfolk.

Persons seized of estates in their own right, or in right of their wives, of 30l. per ann. in the said hundreds of Tunstead and Happing, and justices of the peace residing therein, and all rectors and vicars, usually resident therein for 6 months, and occupiers of land, etc. of 100l. per ann. resident there, to be guardians of the poor, within the hundreds of Tunstead and Happing, in the county of Norfolk, and incorporated. Women to act by proxy. Corporation not to hold lands for more than five years. Poor to continue under the law of the churchwardens and overseers as they now are, until a house be provided for their reception. Children may be apprenticed by the guardians. Justices may grant redress to children misused. Children may be dismissed to their parents and friends. First meeting to be four weeks after the passing of the act, and to choose by ballot twenty-four directors. Qualifications of directors; 80l. per ann. in one of the said hundreds, or 60l. there, and 40l. in some other hundred. Persons seised of 300l. per ann. or heirs apparent to 600l. to act as directors. Officers to continue in office only during pleasure. Directors and guardians, at the first meeting, to deliver in their qualifications. Penalty on directors acting, not being qualified, 50l. Power to elect three directors not qualified. Officers to account, and pay the balance. Officer not accounting to be committed. Balance of money in hand at receiver's death, to be paid by his executors, etc. Directors may contract for lands and buildings. Incapacitated persons impowered to sell lands, etc. Directors may inclose thirty acres of waste; and, if no agreement can be made, may cause the value to be ascertained by a jury. Penalty on sheriff, jurymen, etc. making default, 30l. Directors impowered to exchange lands in certain cases, but not more than fifty acres; and those taken in exchange to be deemed freehold, and those given in exchange according to their former tenure. Accounts to be delivered to the directors of lands and tenements given for the benefit of the poor. Such lands and tenements may be let, etc. by the directors and guardians, with consent of the churchwardens, etc. May be let or sold by five directors, on four weeks notice in the Norwich newspapers. No director concerned in the letting or selling such lands, etc. shall be interested in any lease or contract Monies arising by letting or sale, to be paid to the treasurer, and to be applied according to the direction of the donor of the lands, and the surplus distributed to the most meritorious poor. After purchase compleated, possession shall be delivered to purchasers. Directing an allowance to be made to the parishes for town houses let or sold, at 5 per cent. per ann. for future rates. Money hereafter left for the poor, without any particular direction, is to be distributed to the poor of the parish; and overseers to forfeit treble value, if misapplied. Houses, etc. to be purchased, to be free of all parochial, county, or parliamentary taxes, except such as they were assessed at before the act. Directors to erect or provide necessary buildings for the reception of aged or infirm persons; another for children unable to work; another separate for the poor that are able to work, and working rooms; another for an infirmary for the sick; another separate for lunaticks; also a chapel, and other necessary buildings; to be called The House for the Poor of the Hundreds of Tunstead and Happing; and also to inclose a burial ground, and may alter and enlarge the same, and to keep them in repair: the expences to be defrayed by money arising by virtue of the act. Persons obstructing the erection of such buildings, deemed guilty of felony. Seven directors to superintend the buildings. Power to get materials for building. For obtaining a supply of water, may enter any lands adjoining; but not to deprive any other house or lands of their water. Penalty of injuring the drains, etc. 10l. and not less than 40s. Recompence shall be made for

for damages. Directors to furnish the house, and provide materials for employment of the poor, etc. The house to be built and furnished by contract. When the house is finished, a general meeting to be called, and the vacancy of directors filled up. Acting guardians to be appointed yearly, on the first Tuesday after the fifth of July. Power to make bye-laws. Bye-laws to be approved at the quarter sessions. Meetings annually on the first Tuesday after the 5th. of July, 10th. of October, 5th. of January, and the 5th. of April, at the house for the poor. Choice of new directors, guardians, and treasurer. At other quarterly meetings may fill up vacancies of directors and guardians. Division of directors and guardians in quarterly committees. That the weekly or quarterly meetings may be altered, and they may divide themselves into committees for each month. Penalty of 20s. for non-attendance of director, and 10s. for a guardian. Power to relieve occasional poor. Poor not having a legal settlement within the said hundreds, to be relieved by a justice, or guardian, till able to be removed, and to be reimbursed by the directors, or guardians, and they by the overseers of the parish where such person settled; and if the poor person die before examination, touching settlement, to be buried at the expence of the guardians and directors. Children becoming chargeable to the parishes, shall be received into the house, nurtured, and put out by the guardians. Not to affect the settlement of any person, &c. For punishing idle and disorderly persons, able but unwilling to work, as by the act of 17 Geo. 2. Churchwardens or overseers neglecting to make complaint thereof, to be fined. The husband or father of poor persons to assist in maintaining them. Guardians may apprehend idle persons refusing to work. Accounts to be settled and allowed at each quarterly meeting. Nine to constitute a quarterly meeting; four of which shall be directors. Directors may borrow money, but not more that 15,000l. in several sums of 100l. each, and assign the rates as a security. Assignments transferrable. Power to raise 6,000l. by annuities. Annuities may be transferred. Power to raise money by a scheme of survivorship, at not more than 5 per cent. No contributor to advance less than 50l. Assessments to be made at yearly and general quarterly meetings. Deficiencies to be made good by a re-assessment. Assessments not to exceed the poor rates on an average of seven years. Churchwardens and overseers may make assessments for other purposes. Houses and lands usually rated to continue chargeable. Churchwardens and overseers to attend first meeting, bring their books, and leave them with directors. For want of books and rates, to assess at their discretion. Churchwardens and overseers to aid and assist directors and guardians in execution of this act. Penalty on default, 5l. Every director and acting guardian, failing in his duty of holding quarterly meeting, to forfeit 5l. Directors and acting guardians may grant certificates with the persons who shall remove. All certificates to be delivered to the directors. Penalty of 40s. on overseers, &c. suffering persons to reside without certificate, or not informing directors of single women suspected to be with child. Parishes liable to maintain such paupers as shall, by such neglect, gain settlements. Bonds of indemnity against bastards, already given to parish officers, to be delivered to the officers of the directors, and acting guardians; and the corporation may sue thereon in their own name; and all future bonds to be their property. Churchwardens and overseers, to be ordered by a justice to find work for the poor, or make them a weekly allowance in the mean time; which is to be reimbursed out of the parish rates, over and above the money to be raised by this act. A governor and matron to be appointed; a surgeon or apothecary; a clergymen, and schoolmaster. Such poor as shall misbehave, or be guilty of any vice or immorality, may be inflicted by order of the directors and acting guardians, at weekly meetings, viz. if a child under 12 years of age, by moderate correction, or abatement of diet, or distinction in dress and diet; above that age, by solitary confinement, abatement of diet, or distinction in dress or diet, or by putting in the stocks, for not more than two hours for one offence, or to be fed with bread

bread and water only, not more than twenty-four hours. The apparel of the poor to be the property of the guardians and corporation; and for purloining, selling, pawning, or carrying away, any materials, furniture, or implements of work, or other their effects, or any apparel, or running away without leave, may be apprehended by justices warrant, and committed to hard labour for not more than twenty-one days, nor less than five days, and to be whipped privately; and for the second offence, to be punished as if convicted of petit larceny. Persons receiving stolen goods and clothes to forfeit not more than 10l. nor less than 40s. to be levied by distress and sale of goods; and if no goods, to be committed to hard labour not less than seven days, nor more than three calendar months. Governor and officers, for purloining, embezzling, or wilfully misapplying any money, or goods, or damaging any materials, or implements of work, utensils, goods, and chattels, belonging to the said corporation, to be discharged from their offices and pay 10l. and treble the value of such money or goods, &c. to be levied by distress and sale of goods, in the same manner as overseers of the poor by this act, and applied to the use of the poor of the house; and if no distress found, to be committed to the house of correction for not less than one, nor more than six calendar months. Directors and guardians may act as justices. Power to justices to proceed in all cases, not otherwise provided for in this act. Encouragement to be given to the industrious out of the profits of their work, at the discretion of the directors, &c. and to the governor and matron in office. Profits of the work to go in aid of the rates. The poor may be hired out to harvest or other work. Justices to settle differences between them and people employing them. Directors may contract for employment of the poor. Persons contracting with the corporation not to act as guardians. Hours of work limited to ten hours a day, and to be allowed not less than six, nor more than twelve days every year for recreation; and parents and relations may have access to the poor at all proper times, except meal times. Guardians to pay their own expences. Majority to determine all questions. Directors, &c. may appoint special constables. Governor may execute warrants. Punishment on conveying spirituous liquors into the house, the same as by 24 Geo. 2. c. 40. for conveying spirituous liquors into gaols. If ten guardians seised together of estates of the annual value of 6,000l. assembled at a general quarterly meeting, desire a general meeting, on three weeks notice in Norfolk newspapers; and in case they then prove any mismanagement or abuse of trust in the present directors and acting guardians, others may be chosen by the rules in the act. Penalties and forfeitures coming to the hands of any churchwarden, overseer, or constable, to be accounted for to the treasurer, and applied to the use of the corporation, as judged proper. Penalties and forfeitures to be recovered by distress and sale of goods, and paid to the treasurer, and the overplus returned to the owner; and if no distress found, the offender to be committed for not more than two months, or till paid. Money borrowed on securities may be discharged on six months notice by lot. That notice shall be given of paying of the money. In case of refusal to receive the same, interest to cease. Three months notice to be given. This act not to extend to the parish of North Walsham. Residence in North Walsham no disqualification to be director or guardian. Appeal allowed against guardians and directors as against justices of the peace. Expences of this act to be paid first. Limitation of actions. General issue. Treble costs. Publick act.

The SCHEDULE to which this Act refers.

Form of mortgage upon the rates for relief of the poor within the hundreds of Tunstead and Happing, for securing the money borrowed, and the interest thereof.

WE being of the Form of
directors and acting guardians of the poor within the hundreds mortgage.
of

of Tunstead and Happing, in the county of Norfolk, by authority of an act passed in the twenty-fifth year of the reign of his majesty King George the Third, for the better relief and employment of the poor within the said hundreds of Tunstead and Happing, at a meeting assembled, of which the said is chairman, held under the said act, at on the day of one thousand seven hundred and do hereby mortgage and charge all the rates to be raised within the said hundreds, under the description of poors rates, by the said act, with the payment of the sum of which hath proposed and agreed to lend, and hath now actually advanced and paid, towards the expence of building a house or houses for the reception of the poor of the said hundreds, and otherwise carrying the said act into execution; and we do hereby confirm and establish the said mortgage and charge hereby made, unto the said his executors, administrators, and assigns, for securing the repayment of the said sum of and interest for the same, after the rate of per centum per annum, and do order the treasurer to the said directors and acting guardians to pay the interest half-yearly, as the same shall become due, until the principal shall be discharged, pursuant to the direction of the said act.

(L. S.)

Form of charges on the poors rates for securing the annuities.

WE, &c. [as in the form of a mortgage] do hereby, in consideration of the sum of which hath proposed and agreed to pay, and hath now actually paid, towards defraying the expence of building the said house or houses, and of otherwise carrying the said act into execution, charge and make chargeable all the rates raised for relief of the poor within the said hundreds under the act now in being, with the payment, to the said his executors, administrators, and assigns, of one annuity or yearly sum of for the term of years, [or, the life of the said as the case may require]; and we do hereby confirm and establish the said annuity or yearly sum unto the said his executors, administrators, and assigns, and do order the treasurer to the said directors and acting guardians to pay the said annuities or yearly sum half-yearly, as the same shall become due, pursuant to the directions of the said act.

Form of agreement and mortgage by way of tontine.

Tontine mortgage.

WHEREAS A. B. C. D. have agreed with the directors and acting guardians of the poor within the hundreds of Tunstead and Happing, in the county of Norfolk, to advance jointly and together, towards carrying on the building of a house or houses for the reception of the said poor, under an act of the twenty-fifth of his majesty King George the Third, for the better relief and employment of the poor within the said hundreds of Tunstead and Happing, in shares of each, by loan, at legal interest, and in the nature of a tontine, with benefit of survivorship; and have actually advanced the same, and have also mutually agreed amongst themselves, that the interest of the said sum so advanced by the said parties shall, as it becomes due, be paid to, and distributed equally thave and share alike, amongst them the said joint partners; and the survivors or survivor of them shall be entitled to, and receive the full amount of the interest of the above principal sum, during his [or her, or their] natural life or lives, after which time the said principal and interest shall sink into and become a part of the stock of the said directors and acting guardians: now we the said directors and acting guardians do confirm and establish the said tontine, and do

do charge all the rates raised for the relief of the poor within the said hundreds, by authority of the said act, or of any laws now in being, with the payment of the said interest for and during the natural lives or life of the said A. B. C. D. and the survivors or survivor of them, and direct our treasurer to pay the said interest half-yearly, in the manner and to the persons above-mentioned.

Form of transfer.

I DO transfer this security, with all my right and title to the principal money hereby secured, and to all interest now due, or hereafter to be due, unto C. D. his executors, administrators, and assigns.

Dated this day of

Witness E. F. A. B.

CAP. XXVIII.

An act for opening an easy and commodious communication from the High Street of Edinburgh, to the country southward; and also from the Lawn Market to the new extended royalty on the north, and for enabling trustees to purchase lands, houses, and areas for that purpose; for widening and enlarging the streets of the said city, and certain avenues leading to the same; for rebuilding or improving the university; for enlarging the publick markets, and communications thereto; for regulating certain taxes; for lighting the said city; for providing an additional supply of water; for extending the royalty of the said city; and for levying an additional sum of money for statute labour in the middle district of the county of Edinburgh.

Recital of 26 Geo. 2. c. 36. and 7 Geo. 3. c. 27. Trustees for the university of Edinburgh and South Bridge, the right honourable James Hunter Blair lord provost of Edinburgh, the right honourable Henry Dundas of Melvil, the right honourable Ilay Campbell lord advocate of Scotland, sir William Forbes baronet of Pitsligo, Robert Macqueen of Braxfield esquire, one of the senators of the college of justice, Archibald M Dowal esquire, merchant and dean of the guild of Edinburgh, John Grieve esquire, merchant in Edinburgh, Mr. William Jamieson, mason and convener of the trades of Edinburgh, John Davidson esquire, writer to the signet, Niel M'Viccar esquire, merchant in Edinburgh, and James Brown esquire, architect in Edinburgh, for erecting such buildings in the university of Edinburgh as they shall think proper; and for making the access from the High Street there to the country on the south, easy by a bridge over the Cowgate, and by streets, &c. on the south side of the city. On death of trustees, new ones to be chosen. Meetings of trustees on the third Monday in June, six or more to chuse a preses, to continue a year, and have the casting vote. Trustees to bear their own expences, and to meet four times a year. Lord provost, magistrates, and town council, to form a commodious access from the Lawn Market to the west part of the new extended royalty, by the mound or passage across the North Loch to Prince's Street; to enlarge the publick markets, and make roads thereto, and to erect a bridge between the road to Leith and Calton Hill, across Calton Street, and bring into the city fresh water, &c. The city divided into two districts, one The Ancient Royalty, and the other The Extended Royalty, and the line of division to be the key-stones of the middle arch of the bridge over the North Loch, running east to Trinity College church, and west to the north side of the castle, in a line along the middle of the low ground, formerly the North Loch. Commissioners for lighting the streets of the Ancient Royalty named; and also commissioners for lighting the streets of the Extended Royalty. Meetings of commissioners, or eight of them, for the Ancient Royalty in the council chamber of Edinburgh, and for the Extended Royalty in Saint Andrew's church, each to chuse a con-

vener, to call meetings for the year, on ten days notice in newſpapers. Five commiſſioners to go out of office annually, and others to be elected in their room. Commiſſioners ſhall go out of office by rotation, as they ſtand on the roll. Qualification, poſſeſſing an houſe of 18l. per ann. rent in the diſtrict. Powers of truſtees to make a bridge over the Cowgate, and to agree with the owners and occupiers of houſes and ground on the ſouth ſide of the High Street, bounded by Merlin's Wynd on the weſt, and Niddry's Wynd on the eaſt, and all houſes and areas between the ſaid Wynds to Cowgate on the ſouth, and from thence to Nicolſon's Street, particularly mentioned. All the preſent road leading from the Cowgate to College Street, through Adam's Square, and twenty feet to the weſt of the ſaid road; on the weſt ſide of which area, oppoſite the houſes of George Buchan of Kello eſquire, lord preſident of the court of ſeſſion, Alexander Farquharſon and Robert Chalmers eſquires, no building to be erected, except a wall ſix feet high: all houſes and grounds from profeſſor Hamilton's houſe to the Infirmary Ground, bounded by College, or Infirmary Street, on the north, and the infirmary ground on the eaſt; all houſes, &c. from the corner of Cowgate, and the weſt ſide of Aitken's Cloſe, in a line ſouth, ſixty feet eaſtward from the centre of lady Nicolſon's pillar, and weſt in a line to a point forty feet weſtward, and from the ſaid point in a line parallel, till it meet the town wall, and as much more ground as is neceſſary to form a road parallel to the town wall forty feet wide, in a line from lady Nicolſon's pillar ſixty feet eaſtward; and for all houſes, grounds, and areas on the ſouth ſide, and fronting High Street, one hundred and fifty feet weſtward from the weſt wall to Tron Church, and from the weſt end of the ſaid line ſouthward two hundred feet in a parallel line with Merlin's Wynd, and from thence eaſtward to Merlin's Wynd, and from the ſouth of the ſaid ſpace to the Cowgate, including the weſt ſide of Merlin's Wynd, and both ſides of Peeble's Wynd, and the timber houſe eaſt of Niddry's Wynd, fronting High Street. For making ſatisfaction to John Adam eſquire, for the damage that may be done to his houſe. For making ſatisfaction to Thomas Carnegie eſquire, for damages reſpecting the ground, to open the communication, &c. Powers of truſtees to make a proper communication to the ſouthward of ſaid bridge; and to purchaſe houſes and grounds neceſſary for the above purpoſe. Where proprietors refuſe to ſell their houſes or grounds, a jury to be ſummoned. Witneſſes may be examined on oath. Verdict of jury, &c. to be final. Fines to be impoſed on jurymen or witneſſes making default. By whom the expences of juries ſhall be borne. Purchaſe-monies awarded are to be tendered to the party, and if refuſed, paid into the bank of Scotland, or into the royal bank of Scotland. After ſuch payments, truſtees may pull down houſes, &c. Monies paid for damages to be ſettled to the uſes the premiſes taken were ſettled. For regiſtration of ſeaſines and renunciations. 1 Geo. 2. c. 22. Regulations relative to houſes inſured in the Edinburgh Friendly Inſurance. Policies may be transferred to other houſes of equal value. Truſtees may, by publick roup, diſpoſe of uſeleſs ground. Monies ariſing thereby, &c. to be applied towards the purpoſes of the act. Truſtees to keep a record of their proceedings, and regular accounts. In caſe of ſurplus of money, to be applied towards paving Nicolſon's Street, and buildings in the univerſity of Edinburgh. In caſe the funds are deficient, 10 per cent. on the valued rent may be levied; but no more. If not paid within eighteen months, truſtees may levy the ſame. For rebuilding the univerſity. Nicolſon's Street, and the croſs ſtreets leading thereto, and the roads on the ſides of the triangular piece of ground belonging to the heirs of lady Nicolſon, deemed publick ſtreets. The lord provoſt, magiſtrates, and town council, impowered to make a commodious acceſs from the Lawn Market to the new extended royalty; and to make a road by the north ſide of the caſtle; and to make a bridge over the Calton Street. Powers veſted in the magiſtrates and town council. Lord provoſt, &c. to have no claim on any perſon on account of damages by making the purchaſes. Powers of commiſſioners for lighting the ſaid city. Rates 2l. per

per cent. on the valued rent. Rates may be levied by distress and sale of goods in three days by publick auction. Houses of 3l. per ann. exempted. A collector and clerk to be appointed by the commissioners of each district. Commissioners may contract for lamps and lighting. Collectors to account annually. Money raised by the commissioners for lighting streets. Commissioners to defray their own expences. An additional supply of water to be brought into the city. Sheriff depute of the county impowered to determine any dispute relative thereto. Persons aggrieved by the sheriff, may apply to the court of session. Limitation of appeal in twenty days. The said sheriff impowered to summon a jury to ascertain damage done to grounds by bringing in said water. Jurors may be challenged. Sheriff depute to order payment of sums awarded, and to enforce verdicts of juries. On failure of a supply of water, heritors may purchase springs, &c. at or near Over Libberton, before June 24, 1788. Heritors may prosecute suits in that behalf. Magistrates, &c. for neglect of bringing spring water in twelve months, to forfeit their right to the springs, and the same are vested in the heritors of the eight districts south of Edinburgh. Land tax to be rated on all houses in the extended royalty, &c. Stent-masters to be appointed, to value the rent of houses, &c. Land tax to be levied as by law respecting Scotland. Proprietors to be answerable for collectors. Valuations of rent settled by arbitration to be final. Impowering the magistrates of Edinburgh to appoint stent-masters, in case the present stent-masters do not act. Duties payable to the city on wines, spirits, mum, and beer, and other liquors, to be continued on vintners, taverns, or inns, and on publick houses, and in the city of Edinburgh, or the royalty or liberties thereof, in the parish of St. Cuthberts, south and north Leith, and Canongate; and to be payable in Nicolsons Street, etc. Said duties to be taken off private families. An additional sum of one per cent. to be levied on the valued rent of houses. For levying an additional sum for statute labour in the middle district. The royalty extended over five acres of the lands of Broughton, purchased of the heirs of John Dickson of Kilbucho esquire; and one acre one rood and eleven falls belonging to the right honourable James Montgomery, lord chief baron of the exchequer in Scotland, and other trustees, for building a repository for the records of Scotland, who by their charter, dated June 26, 1776, are bound to pay a proportionable part of the taxes and publick burdens Houses to be built thereon liable to city rates. Extension of the royalty subject to the provisions of 7 Geo. 3. c. 27. Powers to drain the meadow on the south side of the city. Reservation of rights in the eight districts. Not to infringe the act of 10 Geo. 3. in regard to the south districts, and the rights of the city of Edinburgh reserved. Continuance of this act to January 1, 1795, and no longer. Saving the rights of the college of justice. Expences of this act to be paid one-third by the lord provost for the city, another third by the trustees for building the bridge over the Cowgate, and the other third by the commissioners for lighting the streets. Publick act.

CAP. XXIX.

An act to explain, amend, and render more effectual, an act passed in the twenty-third year of his present Majesty's reign, intituled, An act for authorising the treasurer of the navy to pay to the garrison and naval department at *Gibraltar*, the like bounty for destroying certain *Spanish* ships of war, as is allowed to the officers and men on board any of his Majesty's ships of war taking or destroying ships of war belonging to the enemy.

WHEREAS *by an act, made in the twenty-third year of the reign of his present Majesty, (intituled,* An act for authorising the treasurer of the navy to pay to the garrison and naval Preamble. 23 Geo. 3. c. 16. recited.

naval department at *Gibraltar*, the like bounty for destroying certain *Spanish* ships of war, as is allowed to the officers and men on board any of his Majesty's ships of war taking or destroying ships of war belonging to the enemy), *it is, among other things, enacted, That the commissioners of his Majesty's navy shall, and they are thereby authorised and required (upon proof made to the satisfaction of the said commissioners, by certificates or otherwise, of the number of men living on board the said* Spanish *ships of war at the time of the attack and surrender of them respectively), to make out bills for the amount of the said bounty, directed to the treasurer of his Majesty's navy, to be divided amongst the officers, soldiers, seamen, and marines, within and belonging to the said garrison and naval department, at the respective times aforesaid, in such manner, and in such proportions, as his Majesty should graciously please to order, direct, and appoint; and the treasurer of the navy was thereby authorised and required to pay all such bills, according to the course of the navy, to the said officers, soldiers, seamen, and marines, or to such agent or agents as they should authorise or appoint to receive the same: and whereas, besides the bounty money given by the said act, and received by the agent or agents appointed by the late garrison and naval department of* Gibraltar, *to receive and distribute the same, the said agent or agents have received, and are likely to receive, under and by virtue of the like appointment, further sums to a considerable amount; which further sums are or may be distributable to and amongst the officers, soldiers, seamen, and marines of the said garrison, as prize money, in such or the like shares and proportions as the said bounty money has been distributed, or is distributable: and whereas the distribution of such part of the said bounty money and prize money, as hath been allotted to and remains to be distributed, and shall hereafter be allotted to, and distributable among, the officers and soldiers of such of the* British *regiments and royal artillery, which formed part of the said garrison, and are still subsisting corps, may be greatly facilitated if the prize agent or agents, appointed as aforesaid, were authorised to pay the same over to the agents for the time being of the said* British *regiments and royal artillery, in order that the same may be paid and distributed by them to and among such of the officers and soldiers of the said corps as are intitled to receive the same:* may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the secretary at war, the governor of *Chelsea Hospital*, and the adjutant general of his Majesty's forces for the time being, together with the present governor, and lieutenant governor of *Gibraltar*, shall be, and they are hereby appointed commissioners for the inspecting, examining, and settling of all accounts of such bounty money and prize money, with the prize agent or agents who have received, or shall hereafter receive, all or any part of the said bounty money and prize money, and for directing the future distribution of the said bounty money and prize money, as it

Commissioners appointed for settling accounts of bounty money, etc. with prize agents.

shall, from time to time, come to the hands of the said prize agent or agents; such distribution nevertheless being always to be made in such and the like shares and proportions, as have been heretofore settled and observed with respect to the said bounty money and prize money already received and distributed, unless his Majesty shall think fit to order any variation in the same.

II. *And, for the better enabling the said commissioners to inspect and examine such accounts, and to order such distribution to be made in future*; be it enacted by the authority aforesaid, That the prize agent or agents who now are, or hereafter shall be appointed, by the officers, soldiers, seamen, and marines, of the said garrison of *Gibraltar*, to receive their several shares of bounty money or prize money, which hath already been, or shall at any time hereafter be allotted and distributable to and amongst them as aforesaid, is and are hereby required, within one calendar month after the passing of this act, and once in every three months after the expiration of the said calendar month, to deliver to the said commissioners, and each of them, a true and perfect account in writing of his and their receipts and disbursements of the said bounty money and prize money, and of the balance remaining in his or their hands, distinguishing such money as shall be then in a course of distribution, from such money whereof no distribution shall have been then directed; which account the said commissioners are hereby authorised and required to inspect and examine; and it shall and may be lawful for them to demand, and the said prize agent or agents is and are hereby required, from time to time, to furnish to them, and each of them, such further information as may be necessary, by production of any books, papers, or vouchers, in his or their custody or possession, relating to the said bounty money or prize money.

Prize agents to deliver to the commissioners accounts of their receipts and disbursements, &c.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners, or a majority of them, after inspection and examination of such accounts as aforesaid, from time to time, as they shall see fit and reasonable, to order, by writing under their hands and seals, a distribution, by the said prize agent or agents, of the whole or any part of such bounty money or prize money, as shall have come to his or their hands, and of which a distribution shall not before have been made by the said prize agent or agents, on such day or days as they shall think proper; which order of the said commissioners shall, and is hereby declared to be binding upon the said prize agent or agents, who shall forthwith proceed to make a distribution accordingly.

Commissioners may order a distribution of bounty money, etc. in the hands of agents.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners, or a majority of them, from time to time, if they shall see fit, by writing under their hands and seals, to authorize and direct the said prize agent or agents to pay over to the regimental agent or agents for the time being, of such of the said *British* regiments

Commissioners impowered to order the prize agents to pay to the regimental a-

gents, etc. such shares of bounty money, etc. as shall hereafter remain in their hands.

ments and royal artillery as are still subsisting corps, and to the persons who were, on the thirteenth day of *September*, one thousand seven hundred and eighty-two, colonels or commanding officers of *British* regiments at *Gibraltar*, which have since been reduced or disbanded, or to such agent or agents as shall be appointed by the said colonels or commanding officers respectively, for the purpose of their being distributed by such regimental agent or agents, colonels or commanding officers, or their agent or agents respectively, as aforesaid, to and among the officers and soldiers of such subsisting and disbanding corps respectively, all and every the shares of such bounty money or prize money, which shall at any time or times hereafter be or remain in the hands of the said prize agent or agents, under or in a course of distribution, including in such payment to such regimental agent or agents, all and every the shares of such officers, non-commissioned officers, and soldiers, as were a part of the said still subsisting corps whilst on service at *Gibraltar*, but who may since have died, quitted, or been discharged from the same, after deducting from all and every such payment or payments as aforesaid the usual allowance of five pounds *per centum*, by way of commission on such bounty money and prize money so received and paid by him or them as aforesaid; and the receipts or acquittances which shall from time to time be given, by the said regimental agent or agents, colonels, or commanding officers, or their agent or agents respectively, as aforesaid, to the said prize agent or agents, shall be, and shall, in the settling and allowance of the accounts to be rendered by the said prize agent or agents, with the said commissioners, or the major part of them, be accepted and received as good and sufficient vouchers for all and every such payment and payments as aforesaid.

Receipts of regimental agents, etc. to be accepted as vouchers of payment.

Commissioners not to direct commanding officers to receive such shares, unless upon their request, etc.

V. Provided always, and it is hereby also enacted, That the said commissioners shall not authorise or direct the said colonels or commanding officers of *British* regiments, or their agent or agents respectively, to receive from the said prize agent or agents any part of the shares so due as aforesaid, unless upon application previously made to them by such colonel or commanding officer requesting such authority or direction; nor unless such colonel or commanding officer, or his or their agent or agents respectively, shall also, previously to his or their receiving such authority and direction, give full and ample security to the satisfaction of the said commissioners, or a majority of them, for the due and faithful distribution of such monies so directed to be paid to them as aforesaid.

From Jan. 1, 1788, no claim to shares of bounty money, etc. to be received, without consent of commissioners.

VI. And be it further enacted by the authority aforesaid, That, from and after the first day of *January*, one thousand seven hundred and eighty-eight, no claim or claims shall be admitted or received by the said prize agent or agents, nor by the said regimental agents, nor by the said colonels or commanding officers, his or their agent or agents respectively, or any of them, to any share or shares of the said bounty money or prize money, unless the said commissioners, or a majority of

of them, shall see good reason to declare a further day for receiving and admitting such claim or claims; in which case the said commissioners, or a majority of them, may, by writing under their hands, fix a further day, not exceeding twelve months after the said first day of *January*, one thousand seven hundred and eighty-eight, for receiving and admitting such claims.

Prize agents, etc. within a limited time, to deliver to each commissioner an account of all receipts and disbursements, etc. relative to bounty and prize money;

VII. And be it further enacted by the authority aforesaid, That when the time by this act limited, or to be limited by authority thereof, for receiving and admitting such claims as aforesaid, shall be expired, the said prize agent or agents, and also the said regimental agent or agents, and the said colonels or commanding officers, his or their agent or agents respectively, in case any of the said bounty money or prize money shall have been paid to them, or any of them, by virtue of any of the directions and provisions contained in this act, shall, within three months after the expiration of the time so limited or to be limited as aforesaid, deliver to each of the said commissioners an exact account in writing, attested upon oath, which oath the said commissioners, or a majority of them, are hereby authorised and required to administer, of all receipts and disbursements, and of all money remaining in their hands, custody, or power respectively, for or on account of the shares unclaimed of such bounty money and prize money, or on any other account; and shall also produce and shew to the said commissioners, or the major part of them, and verify the same upon oath, if thereunto required, all books, papers, and vouchers, necessary or material for explaining the said accounts; and shall pay and deliver, or cause to be paid and delivered, to such commissioners, or a majority of them, all such money remaining in his or their hands respectively, taking from the said commissioners, or such majority of them, their acquittance or acquittances for the same, which acquittance or acquittances is and are hereby declared to be valid and effectual; any thing in any former law contained to the contrary notwithstanding.

and all such money remaining in their hands.

Persons neglecting to deliver accounts, and to pay the balance,

VIII. And be it further enacted, That all and every person and persons, hereby directed to deliver all or any of the accounts so required to be delivered and verified upon oath as aforesaid, who shall refuse or neglect to deliver all or any such account or accounts to the said commissioners herein-before mentioned, or a majority of them, within the time before limited and appointed in manner and form as is herein-before mentioned and required; or who shall neglect or refuse to pay and deliver over, within ten days after the settling of such accounts, all and every such sum or sums of money as shall remain in his or their custody, power, or possession, after settling such accounts as aforesaid, shall, for every such offence, forfeit the sum of one hundred pounds, over and above such money then in his or their hands respectively; one third part whereof shall belong to his Majesty, and the remaining two thirds to the royal hospital at *Chelsea*, to be recovered by the treasurer

shall forfeit 100l.

for the time being of the said royal hospital, with costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record, in which no essoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed.

If any fraud shall be committed in stating, etc. of said accounts, the offender to forfeit 100l.

IX. And be it further enacted, That if any fraud, collusion, or deceit, shall be wittingly or wilfully made, used, committed, permitted, done, or suffered, in making, stating, or balancing, any such accounts so to be verified upon oath as aforesaid, then all and every person or persons, who shall be thereof duly convicted, shall forfeit and pay, for every such offence, over and above the penalties inflicted by this act, the sum of one hundred pounds; one third part whereof shall be to the use of his Majesty, one other third to the use of the said royal hospital at *Chelsea*, and the other third to the informer who shall sue for the same, to be recovered, with costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record, in which no essoin, privilege, protection, or wager of law, or more than one imparlance, shall be allowed.

Money arising from unclaimed and forfeited shares, how to be applied.

X. And be it further enacted by the authority aforesaid, That all such money as shall arise from the unclaimed shares of such bounty money or prize money, or otherwise, which shall be received by the said commissioners, or a majority of them, upon settling such accounts as aforesaid, shall (after deducting such charges and expences as shall seem reasonable to the said commissioners) be, as to so much thereof as may arise from the unclaimed shares of the soldiers, by them immediately paid over to the treasurer of *Chelsea Hospital* for the time being; and so much thereof as may arise from the forfeited and unclaimed shares of the seamen and marines, be by them immediately paid over to the treasurer of *Greenwich Hospital*, who shall, and are hereby respectively authorised to give them a full and complete discharge for the same; and the said money, when so received by the said respective treasurers, shall by them be carried to the credit, and shall be applied to the use and benefit of the said hospitals respectively; any thing in an act passed in the twentieth year of the reign of his present Majesty, (intituled, *An act to amend an act, made in the last session of parliament, intituled*, An act for the encouragement of seamen, and the more speedy and effectual manning his Majesty's navy; *and for making further provisions for those purposes*), to the contrary thereof in any-wise notwithstanding.

20 Geo. 3. c. 23.

Ordnance, etc. fished up from the ruins of the Spanish battering ships, how to be disposed of.

XI. *And whereas a great number of brass and iron ordnance, anchors, cables, and other stores, have been fished up from the ruins or wreck of the* Spanish *battering ships which were destroyed on the late attack of* Gibraltar, *to a considerable amount in value*; be it enacted, That all sums of money which have arisen, or shall hereafter arise, from the sale of such ordnance, anchors, cables, and stores, as have already been, or shall hereafter be fished up from the ruins or wreck of the said battering ships, within three years

years from the first day of *January*, one thousand seven hundred and eighty-five, shall be divided amongst the said garrison and naval department who were present at *Gibraltar* on the ever memorable day, the thirteenth day of *September*, one thousand seven hundred and eighty-two, in such shares and proportions as the said bounty money has been ordered to be divided, unless his Majesty shall be pleased to make any variation in the said division.

Expences of this act how to be paid.

XII. And be it further enacted, That the said commissioners, or a majority of them, shall and may order the expences of passing this act, and such expences as shall arise in carrying the same into execution, to be paid from time to time by the said prize agent or agents, out of such bounty money or prize money as shall be in his or their hands, of which a distribution shall not have been declared, and shall allow to the said prize agent or agents, on settling his or their accounts, such sum or sums of money as he or they shall have paid by virtue of, and in compliance with such order or orders as aforesaid.

Part of 23 Geo. 3. c. 16. and 20 Geo. 3. c. 23. repealed.

XIII. And be it further enacted, That so much of the said hereby in part recited act of the twenty-third year of his present Majesty, and of the before-mentioned act of the twentieth year of his present Majesty's reign, as can or may extend to make the said prize agent or agents, appointed by the said garrison and naval department of *Gibraltar*, in any manner accountable to the treasurer of *Greenwich Hospital*, his deputy or deputies, agent or agents, in respect of any bounty money or prize money due or belonging to the said garrison and naval department, which has or may hereafter come to the hands of the said prize agent or agents, shall, and is hereby declared to be utterly repealed and made void.

CAP. XXX.

An act for granting to his Majesty certain duties on shops within Great Britain.

Most gracious Sovereign,

Preamble.

WE, your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, in order to raise the necessary supplies which we have freely granted to your Majesty in this session of parliament, have resolved to grant unto your Majesty the several new rates and duties hereinafter mentioned; and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, there shall be raised, levied, and paid unto his Majesty his heirs and successors, throughout *Great Britain*, upon every house, or other building, now or hereafter to be erected,

From July 5. 1785, the following duties shall be paid for all shops throughout Great Britain, viz.

erected, any part of which ſhall for the time being be uſed as a ſhop, publickly kept open for carrying on any trade, or for ſelling any goods, wares, or merchandize, by retail, and upon every building or place uſed as a ſhop only, for the purpoſes before mentioned, a yearly duty according to the ſeveral and reſpective rates following; (that is to ſay),

From the yearly rent of 5l. to 10l.— 6d. in the pound:

For every ſuch houſe, or other building or place, of the yearly rent or value of five pounds, and under ten pounds, the yearly ſum of ſixpence in the pound of ſuch rent or value:

10l. to 15l.— 1s. in the pound:

For every ſuch houſe, or other building or place, of the yearly rent or value of ten pounds, and under fifteen pounds, the yearly ſum of one ſhilling in the pound of ſuch rent or value:

15l. to 20l.— 1s. 6d. in the pound:

For every ſuch houſe, or other building or place, of the yearly rent or value of fifteen pounds, and under twenty pounds, the yearly ſum of one ſhilling and ſixpence in the pound of ſuch rent or value:

20l. to 25l.— 1s. 9d. in the pound:

For every ſuch houſe, or other building or place, of the yearly rent or value of twenty pounds, and under twenty-five pounds, the yearly ſum of one ſhilling and nine-pence in the pound of ſuch rent or value:

25l. and upwards, 2s. in the pound.

And for every ſuch houſe, or other building or place, of the yearly rent or value of twenty-five pounds and upwards, the yearly ſum of two ſhillings in the pound of ſuch rent or value:

Which ſaid yearly rates and duties ſhall be aſſeſſed and paid in manner herein-after expreſſed.

The above duties to be paid in addition to thoſe granted by 6 Geo. 3. c. 38;

II. And be it further enacted, That the ſaid ſeveral yearly duties, ſo charged as aforeſaid, ſhall be paid over and above, and in addition to the reſpective duties charged by an act, made in the ſixth year of his preſent Majeſty, intituled, *An act for repealing the ſeveral duties upon houſes, windows, and lights; and for granting to his Majeſty other duties upon houſes, windows, and lights*; and by another act, made in the nineteenth year of the reign of his preſent Majeſty, intituled, *An act for repealing the duties on all inhabited houſes, impoſed by an act made in the laſt ſeſſion of parliament, and for granting to his Majeſty other duties upon all inhabited houſes in* Great Britain, *and for amending the ſaid act; and alſo for amending ſo much of an act made in the ſeventeenth year of the reign of his preſent Majeſty, as impoſes a duty upon all ſervants retained or employed in the ſeveral capacities therein mentioned*; and by another act, made in the twenty-fourth year of the reign of his preſent Majeſty, intituled, *An act for repealing the ſeveral duties on tea, and for granting to his Majeſty other duties in lieu thereof; and alſo ſeveral duties on inhabited houſes; and upon the importation of cocoa nuts and coffee; and for repealing the inland duties of exciſe thereon.*

19 Geo. 3. c. 59.

and 24 Geo. 3. c. 38.

First aſſeſſment for three quarters, etc.

III. And be it further enacted, That the firſt aſſeſſment of the ſaid duties ſo hereby granted as aforeſaid, ſhall be made for three quarters of a year, from the fifth day of *July*, one thouſand

ſand ſeven hundred and eighty-five; and afterwards that the aſſeſſment of the ſaid duties ſhall be made for one whole year, from the fifth day of *April* in every year.

Duties to be paid quarterly.

IV. And be it further enacted, That the ſaid ſeveral duties by this act granted as aforeſaid, ſhall be paid quarterly on the four following days of payment in the year; (that is to ſay), the fifth day of *January*, the fifth day of *April*, the fifth day of *July*, and the tenth day of *October*, in every year, by equal portions; the firſt payment thereupon to be made on the tenth day of *October*, one thouſand ſeven hundred and eighty-five.

by the occupiers.

V. And be it further enacted, That the ſaid duties, granted by this act as aforeſaid, ſhall be charged only upon the inhabitants or occupiers for the time being of the houſes, buildings, or places hereby charged, or their reſpective executors, or adminiſtrators, and not on the landlord or landlords who ſhall have let or demiſed the ſame, except in the caſe herein-after mentioned; any covenant or agreement made or entered into previous to the paſſing of this act, relative to the payment of any duties impoſed, or to be impoſed on ſuch houſes, buildings, or places, or upon ſuch inhabitants or occupiers in reſpect thereof, to the contrary notwithſtanding.

Houſes how to be aſſeſſed.

VI. And be it further enacted, That where any houſe ſhall, by reaſon of having ſome part thereof uſed as a ſhop, be liable to any of the duties ſo by this act charged as aforeſaid, ſuch houſe ſhall be aſſeſſed under this act at the ſame yearly rent or value as the ſame ſhall for the time being be aſſeſſed at, for and in reſpect of the duties on inhabited dwelling-houſes, by virtue of the ſaid act made in the nineteenth year of his preſent Majeſty; and where any building or other place, not being ſubject to any of the duties on inhabited dwelling-houſes, ſhall, by reaſon of the whole or ſome part thereof being uſed as a ſhop, be liable to any of the duties charged by this act, ſuch building or place ſhall be aſſeſſed to the ſaid duties under this act, according to the full yearly rent or value of ſuch building or place.

Warehouſes, in ſeparate buildings, not chargeable;

VII. Provided always, and be it further enacted, That no warehouſe, being a diſtinct and ſeparate building, and not part or parcel of any ſhop, place, or building, chargeable with any duty by this act, but employed ſolely for the purpoſe of lodging goods, wares, and merchandize, or for ſale of goods by wholeſale only, or carrying on ſome manufacture, although the ſame may adjoin to or have an internal communication with ſuch ſhop, place, or building, ſhall be charged with any of the duties hereby granted.

nor bakers ſhops, etc.

VIII. Provided always, and be it enacted, That nothing in this act ſhall extend, or be conſtrued to extend, to any ſhop, houſe, or place, where bread, flour, meal, bran, and rubbles only are made or ſold.

Where houſes are divided into different apartments,

IX. And be it further enacted, That where any houſe, building, or place, liable to any of the duties hereby granted, ſhall be divided into different apartments amongſt ſeveral occupiers, the

the landlord to pay the duties.

the same shall be assessed as if the same was occupied by one person or family only, and the landlord or owner of every such house, building, or place, shall be assessed as the occupier, and shall accordingly pay the duties hereby granted.

Duties to be assessed and collected, etc. according to the methods prescribed by

X. And be it further enacted, That the duties charged by this act as aforesaid, shall be assessed, raised, levied, collected, and received by persons to be appointed by the same authority, and shall be paid into his Majesty's exchequer, for the purposes in this act expressed, in such and the like form and manner, and with such allowances, and under such penalties, forfeitures, and disabilities, and according to such rules, methods, and directions as are prescribed or appointed for assessing, raising, levying, collecting, receiving, and paying the duties on houses, and windows or lights, in and by an act, made in the twentieth year of the reign of his late Majesty, intituled, *An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties*; and by another act, made in the twentieth year of the reign of his said late Majesty, intituled, *An act to enforce the execution of an act of this session of parliament, for granting to his Majesty several rates and duties upon houses, windows, or lights*; and by an act, made in the twenty-first year of his said late Majesty's reign, intituled, *An act for explaining, amending, and further enforcing the execution of an act passed in the last session of parliament, intituled*, An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties; and by an act, made in the twenty-sixth year of the reign of his said late Majesty, intituled, *An act for the more effectual levying of the duties upon windows or lights, in that part of* Great Britain *called* Scotland; and by an act made in the thirty-first year of the reign of his said late Majesty, intituled, *An act for granting to his Majesty several rates and duties upon offices and pensions, and upon houses; and upon windows or lights; and for raising the sum of five millions by annuities, and a lottery, to be charged on the said rates and duties*; and by an act, made in the second year of the reign of his present Majesty, intituled, *An act for granting to his Majesty several rates and duties upon windows, or lights*; and by the said herein-before mentioned acts, made in the sixth, nineteenth, and twenty-fourth years of the reign of his present Majesty, or by any of them, so far as the same now remain in force, or are not altered by this act; and all the powers, authorities, rules, directions, penalties, forfeitures, clauses, matters, and things, now in force, contained in the said several acts, or any of them, for the assessing, raising, levying, collecting, and paying the rates and duties thereby granted, shall be in full force, and be duly observed, practised, and put

20 Geo. 2. c. 3;

c. 42;

21 Geo. 2. c. 10;

26 Geo. 2. c. 17;

31 Geo. 2. c. 22;

2 Geo. 3. c. 8;

and the acts of 6, 19, and 24 Geo. 3.

put in execution, throughout the whole kingdom of *Great Britain*, for the assessing, raising, levying, collecting, and paying the several duties upon houses, buildings, or places, by this act granted, as fully and effectually, to all intents and purposes, as the same are and may be for the assessing, raising, levying, collecting, and charging the rates and duties granted by the aforesaid acts, or any of them, so far as the said powers, authorities, rules, and penalties are applicable hereunto, and not altered by this act.

Duties to be paid into the exchequer;

XI. And be it further enacted, That all the monies arising from the duties granted by this act (the necessary charges of raising and accounting for the same excepted) shall, from time to time, be paid into the receipt of his Majesty's exchequer at *Westminster*; and in the office of the auditor of the said receipt, there shall be provided and kept a book or books, in which all such monies so paid into the said receipt of the exchequer as aforesaid, shall be entered separate and apart from all other monies paid and payable to his Majesty, his heirs and successors, upon any account whatsoever; and the said monies so paid into the said receipt of exchequer, shall be a fund for the payment of the annuities, and all such other charges and expences as are directed to be paid and payable, pursuant to an act of this present session of parliament, intituled, *An act for granting annuities to satisfy certain navy, victualling, and transport bills, and ordnance debentures.*

and to be entered by the auditor separate from all others.

Allowance to assessors for the first assessment.

XII. And be it further enacted, That for and in consideration of the extraordinary care and pains requisite in making and adjusting the first assessment to be made, in carrying this act into execution, so far as respects such buildings and places as shall be assessed, without reference to the assessment of the duties on inhabited dwelling-houses, the assessor or assessors shall have an allowance for such first assessment of three-pence for each house, building, or place, assessed by him or them respectively; to be had and received from the respective receivers general, their deputy or deputies, who are hereby appointed and directed to pay the same accordingly, and who shall be allowed the same in passing their accounts.

Commissioners.

XIII. And be it further enacted, That for the better execution of this act, and for the ordering, raising, levying, collecting, and paying the duties hereby granted, the commissioners authorized or appointed, or who shall be authorized or appointed hereafter for putting in execution the said herein-before mentioned acts, concerning the duties on houses, and windows or lights, or any of them, shall be commissioners for putting in execution this present act, and the powers therein contained, in all the counties, shires, stewartries, ridings, cities, boroughs, cinque ports, towns, and places respectively, within *Great Britain*; and the said commissioners, in order to the speedy execution of this act, shall, in their respective counties, shires, stewartries, ridings, cities, boroughs, cinque ports, towns, and places,

Their first meeting, etc.

places, for which they are or shall be appointed commissioners respectively, meet for the first time on or before the fifth day of *July*, one thousand seven hundred and eighty-five, and shall in like manner meet yearly and every year, at such days or times as the said commissioners for the time being shall think proper to appoint, before the thirtieth day of *April* yearly, and shall then divide themselves to act in separate districts, and proceed in the execution of this present act, for assessing, raising, levying, and collecting the duties hereby granted as aforesaid, in such and the same manner, and under the same regulations and directions, as are prescribed by the said before-mentioned acts, or any of them, with respect to the rates and duties on houses, and windows or lights, thereby imposed, except in such cases in which an alteration is made by this act.

If commissioners neglect to meet at the times appointed, they may afterwards meet, &c.

XIV. Provided always, and be it further enacted, That if, by any neglect or default, there shall not have been a meeting of the said commissioners, and a due execution of the several powers hereby created, within or at the time or times, or according to the manner or circumstances directed or prescribed in and by this present act, it shall and may be lawful for the said commissioners, or any two or more of them, in all the counties, shires, stewartries, ridings, cities, boroughs, cinque ports, towns, and places, in *Great Britain* respectively, wherein such default shall have happened, to meet and execute the said powers at any other time or times, any thing herein-before contained to the contrary notwithstanding; and they are hereby authorized and required forthwith, or as soon as may be after the time or times at which such meetings shall have been held, and such powers should have been executed according to the directions of this present act, to meet and execute the same, so as that the said rates and duties charged by this act be duly and effectually charged, raised, levied, collected, and paid, to his Majesty, his heirs and successors, for the uses in this act, notwithstanding any such omission or defect; and all such meetings and acts of the said commissioners, or any two or more of them, shall be deemed and are hereby declared to be good and valid to all intents and purposes, notwithstanding any such omission or defect as aforesaid.

Commissioners not to act until they have taken the proper oaths.

XV. Provided also, and be it further enacted, That no person shall presume to act as a commissioner in the execution of this act (except in administering the oath of qualification herein-after expressed), until he shall have taken the several oaths required to qualify him for acting as a commissioner of the several duties charged on houses, and windows or lights, by any of the acts herein-before referred to, and also shall have taken the following oath; (that is to say),

Oath of qualification.

I A. B. *do swear, That I will truly and faithfully execute the office of a commissioner, according to an act, made in the twenty-fifth year of King* George *the Third*, for granting to his Majesty certain,

tain duties on shops within *Great Britain*; *and will determine upon all appeals, which shall be brought before me under the said act, according to the best of my skill and knowledge.*

So help me GOD.

Which oath any two or more of the commissioners, in the county, shire, city, or place, where the assessment is to be made, are hereby authorized to administer: and if any person shall act as a commissioner of this act (except as aforesaid) before he shall have taken such oaths as aforesaid, he shall, for every offence, forfeit one hundred pounds. Penalty on acting before taking the oaths.

XVI. And be it further enacted, That the said commissioners shall cause notice to be inserted in the precepts to be from time to time directed by them to the inhabitants of the parishes or places within their respective districts or divisions, whom they shall think fit to be presentors or assessors under the said before-mentioned acts charging duties on houses, and windows or lights, or any of them, that such persons are also appointed assessors of the duties upon houses, buildings, and places, within this act. Notice to be given in the precepts of the appointment of assessors.

XVII. *And, for the more effectually levying and collecting the duties imposed by this act*, be it further enacted, That if at any time there shall be a neglect to appoint assessors for the said duties on houses, and windows or lights; or if the assessors appointed shall neglect to perform what is required of them by this act, then and in such case it shall and may be lawful to and for the surveyor or surveyors, or the inspector or inspectors appointed or to be appointed under the authority of any of the said acts, relative to the duties on houses, and windows or lights, and they are hereby required to do or perform such and the like services as by this act is required from such assessors; and the surveyors or inspectors, if, on the first assessment under this act, they shall perform the duty of assessors, shall be intitled to the same reward as is hereby provided for the assessors for the said first assessment under this act. On failure of appointment of assessors, &c. surveyors or inspectors to do their duty.

XVIII. And be it further enacted, That every person so appointed or to be appointed assessor as aforesaid, or any surveyor or inspector hereby authorized to act as an assessor, shall, before he presumes to act in the execution of the said office or employment, take (besides the oaths required to be taken by assessors by the before-mentioned acts relative to the duties on houses, and windows or lights, or any of them) an oath, or, being one of the people called *Quakers*, make and subscribe a solemn affirmation, in the following form: Assessor to take an oath, besides those appointed by former acts.

The oath.

I A. B. *do swear*, (or *affirm*, as the case may require), *That in in the assessment which, by authority of an act made in the twenty-fifth year of the reign of King* George *the Third*, for granting to his Majesty certain duties on shops within *Great Britain*, *I shall make upon the houses, buildings, and places, liable to any of the said duties,*

duties, within the district or parish for which I am appointed an assessor, I will rate each at the true annual value, according to the best of my judgement and skill; and that I will truly and faithfully execute the trusts reposed in me by virtue of the said act:

So help me GOD.

Which oath or affirmation any two or more of the commissioners in the county, shire, stewartry, city, or place, where the said assessment is to be made, are hereby impowered and required to administer.

Penalty on acting before taking the said oath.

XIX. And be it further enacted, That if any person appointed or to be appointed assessor, or any surveyor or inspector hereby authorized to act as an assessor, shall presume to act in the execution of the said office or employment, before he shall have taken the aforesaid oath, (unless such person shall be a Quaker, and shall have made such affirmation as aforesaid) he shall forfeit and pay, for every such offence, the sum of twenty pounds.

Duty of assessors.

XX. And be it further enacted, That such persons so appointed or to be appointed assessors as aforesaid, do and shall, before the tenth day of *September*, in this present year one thousand seven hundred and eighty-five, and in all future years before the twenty-fourth day of *June*, estimate and ascertain, according to the best of their skill and judgement, the full and just yearly rent which every such building or place, hereby charged with any duty, within the limits and places for which such assessors are to act, and which is not already charged to the duty on inhabited houses, is really and *bona fide* worth to be let, and do and shall make an assessment in writing of the duty hereby imposed, according to such estimate or valuation upon the occupier or occupiers of every such building or place, and do and shall, by writing under their respective hands, certify the number of buildings and places respectively charged by virtue of this act, which are not already charged to the duty on inhabited houses, within the limits of such places as aforesaid, together with the rents estimated and ascertained as aforesaid, for or in respect of the same respectively, and the names of the several occupiers thereof respectively, and the several sums of money charged on, and payable by them, for or in respect of the same, by virtue of this act; and likewise do and shall, on or before the tenth day of *September*, in the present year one thousand seven hundred and eighty-five, and in all future years on or before the twenty-fourth day of *June*, in every year, deliver the certificates or assessments, to be made by them respectively as aforesaid, unto the said commissioners, or any two or more of them.

Two commissioners to sign the assessments,

XXI. And be it further enacted, That the said commissioners, to whom such assessments shall be delivered in pursuance of this act, or any two of them, shall, within the space of one calendar month next after the receipt of the same respectively,

or

or as soon after as conveniently may be, set their hands to the said respective assessments, and to such surcharge or surcharges as shall or may have been made in the mean time, either by the same assessors, or by such surveyor or surveyors, or inspector or inspectors, as is or are herein-after mentioned, testifying their allowance of the same; and shall likewise nominate and appoint two of the persons named in each of such assessments to be collectors, or any other two such persons as they shall think able and responsible, for their respective divisions and places for which they shall be so presented, and shall forthwith deliver, or cause to be delivered, such assessments so by them allowed of, unto the respective persons by them nominated to be collectors for each year respectively, who are hereby enjoined and required to collect and pay the duties hereby assessed, and to give acquittances for the same; for whose paying unto the receiver general, now or for the time being, appointed by his Majesty, or by the lord high treasurer for the time being, or by the commissioners of the treasury for the time being, or any three or more of them, in the manner hereby directed, such money as they shall be charged with under this act, the parish or place for which they are so employed shall be answerable.

and to appoint collectors.

XXII. And be it further enacted, That in all privileged and other places, being extraparochial, and not within the constablewicks or precincts of the respective assessors, to be appointed by virtue of this act, the said commissioners, or any three or more of them, shall, and they are hereby required to nominate and appoint two fit persons, living in or near the said privileged or other places as aforesaid, to be assessors for the said places; and to make and return their said assessments in like manner as by this act is appointed in any parish, tithing, or place; and also to appoint two or more collectors, who are hereby required to collect and pay the same, according to the rates appointed by this act for collecting and paying all sums of money payable by this act.

Assessors and collectors how to be appointed in extraparochial places.

XXIII. And be it further enacted, That the said commissioners, or any three or more of them, shall strictly peruse the certificates or assessments which by this act are before directed to be annually delivered to them, and also shall examine the assessors and presentors thereof; and if the said commissioners, or any three of them, within their several limits or divisions, shall, at the time of the delivery of such certificates or assessments, or within ten days after, have certain knowledge, or cause to suspect, that any house, building, or place, or any part thereof, which ought to be charged by this act, is omitted in such certificates, or that any such house, building, or place, or any part thereof, is undercharged, or not duly charged according to the directions of this act, the said commissioners, or any three or more of them, shall have power to summon the person or persons occupying such house, building, or place, to appear before them at a day and place to be prefixed, of which three days notice at least shall be given; and if any person or

Commissioners to peruse the annual assessments,

and may summon before them persons suspected to be underrated;

persons summoned shall neglect to appear, the said commissioners may proceed to amend such assessments, and to charge such occupier with such rate as shall appear reasonable from the evidence before them; and moreover, the said commissioners, to whom such certificates or assessments shall be delivered, or any three of them, or any other three commissioners of the respective counties, shires, or stewartries, where such assessments shall be made, shall have power, and are hereby required, by all lawful ways and means, to examine and enquire into and concerning the annual value of any such house, building, or place as aforesaid, charged in or by any such assessment, or which shall have been omitted to be charged therein, and thereupon to enlarge, alter, abate, or diminish the said assessments, so to be delivered to such commissioners, to the end that such duty may be set and imposed upon every such house or tenement, according to the true intent and meaning of this act; and the said commissioners, or any three or more of them, shall, after such perusal and examination thereof, set their hands to the said respective assessments, and to such surcharge or surcharges as shall or may have been made thereto in the mean time, testifying their allowance of the same.

and may correct the assessments when found to be erroneous.

Duplicates of assessments to be made out.

XXIV. And be it further enacted, That the said commissioners, or any two or more of them, shall, from time to time yearly, cause true duplicates of such assessments as aforesaid to be made out, delivered, and transmitted, in such and the same manner, and at like times, as is directed by the aforesaid acts relative to the duties on houses, and windows or lights, or any of them, with respect to the duplicates of the assessments therein mentioned.

What those duplicates shall contain.

XXV. Provided always, and be it further enacted, That in the said duplicates to be transmitted to the receiver-general, and to the King's remembrancer, the number of shops, buildings, and places, exclusive of those assessed from the assessment on inhabited dwelling-houses, shall be inserted, as well as the amount of the duties, in order to ascertain the money which the receivers-general are directed by this act to pay to the assessors for the first year's assessment, at three-pence each shop, building, or place, not being assessed from the assessment on inhabited dwelling-houses, and for the information of the proper officers, who are to allow the same in the receivers accounts.

Surveyors and inspectors to examine the assessments before they are signed by the commissioners.

XXVI. And be it further enacted, That all and every surveyor or surveyors, and inspector or inspectors, appointed or to be appointed under and by virtue of the several acts relative to the duties on houses, and windows or lights, herein-before mentioned, or any of them, for the rates and duties thereby imposed, shall be, and he and they is and are hereby impowered to inspect, examine, and supervise the assessments to be made in or for any such parish or place as aforesaid, before the commissioners shall have signed and allowed the same, and to alter and amend any such assessment or assessments, if he or they shall see just cause for so doing; and every person, in whose custody any such

such certificate or assessment shall be, is hereby required, upon the request of any such surveyor or surveyors, or inspector or inspectors, as aforesaid, to produce the same; and if any such surveyor or surveyors, inspector or inspectors, shall, after such assessment or assessments shall be so respectively made out, signed, and allowed as aforesaid, find or discover, upon his or their survey, that any house, building, or place, or any part thereof, which should and ought to be charged with the duties hereby granted, shall have been omitted to be charged therewith, or shall have been under-rated, such surveyor or surveyors, or inspector or inspectors, shall certify the same in writing, under his or their hand or hands, by way of surcharge, to any two or more of the said commissioners, on or before the sixteenth day of *November*, one thousand seven hundred and eighty-five, for the first quarterly payment, which shall be due on the tenth day of *October*, in the same year, and thenceforward, and in every future year, at the same times they make their surcharges for the duties on houses and windows under the said acts herein-before mentioned, in order to have such omission or under-rate rectified in the said assessment; and the said commissioners are thereupon to cause the same to be rectified, and the duties levied accordingly.

If any omissions are discovered, they shall be supplied by a surcharge.

XXVII. And be it further enacted, That if any surveyor or surveyors, inspector or inspectors, shall omit to make a surcharge or surcharges for the first half year, it shall and may be lawful for the said surveyor or surveyors, or inspector or inspectors, to make a surcharge or surcharges for the whole year.

If a surcharge is omitted the first half year, it may be made for a year.

XXVIII. *And, for the better information of the commissioners appointed to carry this act into execution, and the surveyors and inspectors, and the persons to be appointed assessors as aforesaid, with respect to the annual rent or value of all houses, buildings, or places charged by this act, and the better to enable them to perform their duty*; be it further enacted, That the said commissioners, or any two of them, and the said assessors, surveyors, and inspectors, or any one or more of them, or any person or persons authorized by them, or any of them, shall have liberty to inspect and to take copies of, or extracts from, any book or books kept by any parish officer or officers, or any other person or persons, of or concerning the rates for the maintenance of the poor, or any other public taxes, rates, or assessments, in any part of *Great Britain* within the limits for which they shall be appointed; and if any person or persons, in whose custody or power any of the said books shall be, shall refuse or neglect to permit the said inspection, or the copies or extracts to be made as aforesaid, or to attend the said commissioners with their books when required so to do, then, and in every such case, every person who shall so refuse or neglect shall, for every such offence, forfeit and pay the sum of forty shillings.

Assessors, etc. shall be permitted to inspect parish rates.

Penalty on refusing them.

XXIX. And be it further enacted, That no house, building, or place, chargeable by this act as aforesaid, shall be estimated or rated at any less value yearly than that at which the same

Houses to be charged as assessed to public taxes.

ſtands legally rated and aſſeſſed to the publick rates, taxes, and aſſeſſments, or any of them, now ſubſiſting, where ſuch premiſes are charged by a pound rate, and according to the full annual value thereof reſpectively; and when ſuch premiſes as aforeſaid are charged by a pound rate, according to any proportionate part of the real annual value thereof reſpectively, the ſame ſhall not be eſtimated or rated for the purpoſes of this act at leſs than the full annual value upon which ſuch proportions have been computed and taken as aforeſaid.

Occupiers not to be charged to the poor's rates, &c. for the duties impoſed by this act.

XXX. And be it further enacted, That no occupier or occupiers of any houſe, building, or place, liable to any duty charged by this act in any pariſh or place, ſhall be charged or aſſeſſed to the poor's rate or highway duty for or in reſpect of any rates or duties impoſed and made payable by this act; but ſuch owners and occupiers ſhall continue to be rated and aſſeſſed to the poor's rate and highway duty, in ſuch manner as they were rated and aſſeſſed to the ſaid rates and highway duty reſpectively at the time of paſſing this act, any thing contained herein to the contrary notwithſtanding.

Payment of rates not to affect ſettlement.

XXXI. And be it further enacted, That the payment of any of the rates and duties granted by this act by any occupier or occupiers of any houſe, building, or place, charged with any duty by this act in any pariſh or place, ſhall not intitle the perſon or perſons, ſo paying ſuch rates and duties, to a legal ſettlement in ſuch pariſh or place.

Perſons overcharged may appeal to the commiſſioners.

XXXII. And be it further enacted, That if any perſon or perſons ſhall think himſelf, herſelf, or themſelves reſpectively overcharged or over-rated by any aſſeſſment, charge, or ſurcharge, to be made by virtue of this act, it ſhall be lawful for him, her, or them, reſpectively to appeal to the ſaid commiſſioners; and the ſaid commiſſioners, or any three or more of them, ſhall, and they are hereby required to hear and determine all ſuch appeals; and all ſuch appeals, in reſpect to the aſſeſſment for the firſt three quarters under this act, ſhall be heard and determined between the tenth day of *December*, one thouſand ſeven hundred and eighty-five, and the fourth day of *January*, one thouſand ſeven hundred and eighty-ſix; and all appeals in reſpect of any future aſſeſſments, on the days appointed, and in the manner directed, in the ſeveral acts herein-before mentioned with reſpect to the rates and duties on houſes, and windows or lights, thereby granted.

In what caſes the commiſſioners may abate the aſſeſſments.

XXXIII. And be it further enacted, That the ſaid commiſſioners, or any of them, ſhall not, upon the hearing of ſuch appeal, make any abatement or defalcation in the charge or ſurcharge made upon any perſon by ſuch aſſeſſment as aforeſaid, or the ſurcharge of any ſuch ſurveyor or ſurveyors, or inſpector or inſpectors as aforeſaid, but the ſame ſhall ſtand good and remain part of the aſſeſſment, unleſs it ſhall then appear to the ſaid commiſſioners, by examination of the circumſtances of the caſe upon oath, to be adminiſtered by any three or more of them, that ſuch perſon hath been over-rated in and by ſuch aſ-

sessment or surcharge; in which cases the said commissioners are hereby authorised and impowered, upon every such appeal, to abate or diminish any such assessment to be made as aforesaid in such manner as they shall think proper, and agreeable to the true intent and meaning of this act; and every person intending to appeal to the said commissioners shall, and is hereby required to give, at the least, ten days notice thereof to any assessor or assessors, surveyor or surveyors, or inspector or inspectors, of the parish or place wherein such person is assessed, of such intention to appeal, and such assessor or assessors, surveyor or surveyors, or inspector or inspectors, may then and there attend to justify the said assessment and surcharge; and such assessor or assessors, surveyor or surveyors, or inspector or inspectors, and appellant, shall have full and free liberty to be present during all the time of hearing such appeals, and whilst the said commissioners shall be determining the same.

Persons intending to appeal, to give 10 days notice to assessor, &c.

XXXIV. And be it further enacted, That all appeals, once heard and determined by the said commissioners, or any three or more of them, or the major part of them then present on the day or days by them appointed for hearing of appeals, shall be final, except as is herein-after directed.

Appeals once determined to be final;

XXXV. And be it further enacted, That if any such assessor or assessors, surveyor or surveyors, or inspector or inspectors, or the persons so appealing, in that part of *Great Britain* called *England*, or in *Wales*, or in *Berwick upon Tweed*, shall apprehend the determination made by the said commissioners to be contrary to the true intent and meaning of this act, and shall then declare himself or herself dissatisfied with such determination, it shall and may be lawful to and for such assessor or assessors, surveyor or surveyors, or inspector or inspectors, or appellant respectively, to require the said commissioners to state specially, and to sign the case upon which the question arose, together with their determination thereupon; and the said commissioners, or the major part of them then present, are hereby required to state and sign such case accordingly, and to cause the same to be delivered to the party making such request as aforesaid, to be by him or her transmitted to one of the justices of the court of king's bench or common pleas, or to one of the barons of the court of exchequer for the time being; and every such justice and baron is hereby required, with all convenient speed, to return an answer to such case so transmitted, with his opinion thereupon subscribed thereto, according to which opinion so certified, the assessment, which shall have been the cause of such appeal, shall be altered or confirmed: and if such assessor or assessors, surveyor or surveyors, inspector or inspectors, or the person so appealing, in that part of *Great Britain* called *Scotland*, shall apprehend the determination made by the said commissioners to be contrary to the true intent and meaning of this act, and shall then declare himself or herself dissatisfied with such determination, it shall and may be lawful to and for such surveyor, or person dissatisfied, respectively, to require

Exception.

Further appeal allowed in England or Wales, to one justice of the king's bench, &c.;

and in Scotland,

the said commissioners, or the major part of them then present, to state specially, and sign the case upon which the question arose, together with their determination thereupon; and the said commissioners are hereby required to state and sign such case accordingly, and to cause the same to be delivered to the party making such request as aforesaid, to be by him or her transmitted to one of the judges of the court of session, or of the barons of the exchequer in *Scotland*; and every such judge and baron is hereby required, with all convenient speed, to return an answer to such case so transmitted, with his opinion thereupon subscribed thereto, according to which opinion so certified, the assessment, which shall have been the cause of such appeal, shall be altered or confirmed: provided always, That notwithstanding any such case, so transmitted to any of the said justices, judges, or barons, the determination of the said commissioners shall stand, with respect to the payments which shall become due precedent to the opinion certified by any such justice, judge, or baron, upon such case.

to a judge of the court of session, or a baron of the exchequer.

Penalties exceeding 20l. where to be recovered.

XXXVI. And be it further enacted, That every penalty or forfeiture, which shall be incurred under this act, of a greater sum than twenty pounds, shall be recovered in any of his Majesty's courts of record at *Westminster*, if the matter shall arise within *England* or *Wales*, or the town of *Berwick upon Tweed*; or in the court of session, court of justiciary, or court of exchequer, if the matter shall arise in that part of the united kingdom called *Scotland*, by action of debt, bill, plaint, or information, wherein no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed; and one moiety of every such penalty or forfeiture shall belong to his Majesty, his heirs or successors, and the other moiety thereof to the person or persons who shall inform and sue for the same.

Penalties not exceeding 20l. to be recoverable before two justices;

XXXVII. And be it further enacted, That in all cases where the pecuniary penalty by this act imposed doth not exceed the sum of twenty pounds, it shall be recoverable before two or more justices of the peace of the county, riding, shire, stewartry, division, city, liberty, town or place wherein the offence shall be committed, on proof of the offence, either by the voluntary confession of the party or parties accused, or by the oath of one or more credible witness or witnesses; and one moiety of every such last mentioned penalty shall belong to his Majesty, his heirs and successors, and the other moiety to the informer or informers prosecuting for the same; and in case of nonpayment shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of such justices; and the overplus of the money raised, after deducting the penalty, and the expences of the distress and sale, shall be rendered to the owner; and for want of sufficient distress, the offender shall be sent by such justices to the prison of such county, shire, stewartry, division, city, liberty, town or place, for such time, not exceeding six months, nor less than one month, as such justices shall think most proper.

and may be levied by distress.

XXXVIII. And

Persons aggrieved may appeal to the quarter sessions.

XXXVIII. And be it further enacted, That if any person or persons shall find himself or themselves aggrieved by the judgement of any such justices, then he or they shall and may, upon giving security to the amount of the value of such penalty and forfeiture, together with such costs as shall be awarded, in case such judgement shall be affirmed, appeal to the justices of the peace at the next general quarter sessions for the county, riding, or place, who are hereby impowered to summon and examine witnesses upon oath, and finally to hear and determine the same; and in case the judgement of such justices shall be affirmed, it shall be lawful for such justices to award the person or persons to pay such costs occasioned by such appeal as to them shall seem meet.

Penalty on persons summoned as witnesses who shall neglect to attend.

XXXIX. And be it further enacted by the authority aforesaid, That if any person or persons shall be summoned, as a witness or witnesses, to give evidence before such justices of the peace, touching any of the matters relative to this act, either on the part of the prosecutor, or of the person or persons accused, and shall neglect or refuse to appear, at the time and place to be for that purpose appointed, without a reasonable excuse for such his, her, or their neglect, or refusal, to be allowed of by such justice or justices of the peace before whom the prosecution shall be depending, that then every such person shall forfeit, for every such offence, the sum of forty shillings, to be levied and paid in such manner, and by such means, as herein-before directed as to other penalties.

Justices may mitigate penalties.

XL. Provided nevertheless, That it shall and may be lawful to and for the said justices, where they shall see cause, to mitigate and lessen any such penalties as they shall think fit, reasonable costs and charges of the officers and informers, as well in making the discovery as in prosecuting the same, being always allowed over and above such mitigation, and so as such mitigation does not reduce the penalties to less than one moiety of the penalties incurred over and above the said costs and charges; any thing contained in this act, or any other act of parliament, notwithstanding; and no such conviction shall be removed by *certiorari* into any court whatsoever.

Constables, and other officers, to be aiding in the execution of this act.

XLI. And be it further enacted, That all constables and headboroughs, tithingmen, and all other his Majesty's officers, shall, and are hereby required and enjoined to be respectively aiding and assisting in the execution of this act, and to obey and execute such precepts or warrants as shall be to them directed in that behalf by the respective commissioners hereby appointed, or any three or more of them.

Limitation of actions.

XLII. And be it further enacted, That all actions, suits, and informations, for any offence against this act, shall be brought within one year after the offence committed, and being brought after the time so limited, shall be void; and if any person or persons shall at any time or times be sued, molested, or prosecuted for any thing by him or them done or executed in pursuance of this act, or of any clause, matter, or thing

herein contained, such person or persons shall and may plead
General issue. the general issue, and give the special matter in evidence for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue an action, or suffer a nonpros, or shall become non-
Treble costs. suited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

CAP. XXXI.

An act for better regulating the office of the treasurer of his Majesty's navy.

Preamble. WHEREAS *it appears, by the reports made by the commissioners appointed to examine, take, and state, the publick accounts of the kingdom, that regulations are necessary for better conducting the business in the department of the treasurer of his Majesty's navy*; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *July*, one thousand seven hundred and eighty-five, the treasurer of his Majesty's navy for the time being, in all memorials to be by him presented to the treasury for money for navy services, shall pray that such sum as he requires may be issued to the governor and company of the bank of *England* on his account; and shall transmit with each memorial a copy of the letter or letters from the commissioners of the navy, victualling, and sick and hurt boards, directing him to apply for such sum or sums; in which letter or letters the said commissioners shall, and they are hereby required and directed to specify for what particular service or services the said money is wanted; and shall also state the balances then in the hands of the treasurer of the navy, under each head of service respectively; and the commissioners of his Majesty's treasury for the time being, by their letter from time to time, shall direct the auditor of the exchequer to issue, to the governor and company of the bank of *England*, on account of the treasurer of his Majesty's navy, naming such treasurer for the time being, the sum for which such letter shall be drawn, upon the unsatisfied order at the exchequer in favour of the said treasurer, for which the receipt of the cashier or cashiers of the said governor and company shall be a sufficient discharge; and all sums for which letters of the commissioners of his Majesty's treasury shall be drawn, shall be issued to the governor and company of the bank of *England*, in like manner as they have been heretofore issued to the treasurer of his Majesty's navy; and all such monies to be issued to the governor and company of the bank of *England*, shall be placed on an account or accounts to be raised in the books of the governor and company of the said bank of *England*, and to be intituled, *The Account of the Treasurer of his Majesty's Navy*, inserting

From July 1, 1785, the treasurer of the navy to apply to the treasury for money as herein mentioned; which shall be issued to the bank,

and placed to the account of the treasurer of the navy.

inserting the name of such treasurer for the time being, for the pay branch, cashier's branch, and the victualling branch; and on receipt of all such monies at the exchequer, the treasurer of the navy shall immediately certify to the commissioners of the navy an account of the whole receipt, under the respective heads of service, and shall also certify to the commissioners of the victualling, and sick and hurt boards, the particular sums received, and applicable to those services respectively.

No extra fees to be paid at the exchequer.

II. And be it further enacted and declared, That no fees whatsoever shall be paid at the exchequer or treasury for or by reason of the transactions aforesaid, beyond the amount of what hath been usually paid upon imprests and accounts hitherto made, according to the former custom of transacting business between the exchequer, navy pay office, and bank, severally.

From July 1, 1785, no money for navy services shall be issued from the treasury to the treasurer of the navy.

III. And be it further enacted, That, from and after the first day of *July*, one thousand seven hundred and eighty-five, no money for the service of the navy shall be issued from his Majesty's exchequer to the treasurer of the navy, or shall be placed, or directed to be placed in his hands or possession, but the same shall be issued and directed to be paid to the governor and company of the bank of *England*, and to be placed to the accounts above-mentioned, according to the services for which it is craved and issued.

The treasurer to draw on the bank for all navy services.

IV. And be it enacted, That the treasurer of his Majesty's navy for the time being, by himself, or the person or persons in his office duly authorised by the said treasurer, from and after the first day of *July*, one thousand seven hundred and eighty-five, shall draw upon the governor and company of the bank of *England* for all navy services whatever, and shall specify, in each and every draft, the head of service for which the same is drawn; and no draft of the said treasurer, or the person or persons authorised as aforesaid, shall be deemed a sufficient voucher to the said governor and company of the bank of *England*, unless the same specifies the head of service for which it is drawn, and has been actually paid by the said governor and company of the bank of *England*.

Bank not to pay said monies, unless for navy services, and in pursuance of proper drafts.

V. Provided always, That the monies to be issued unto the governor and company of the bank of *England*, on account of the treasurer of his Majesty's navy, shall not be paid out of the bank, unless for navy services, and in pursuance of drafts to be drawn on the governor and company of the bank of *England*, and signed by the treasurer of his Majesty's navy for the time being, or the person or persons authorised as aforesaid; in which drafts shall be specified the heads of service to which the sums therein mentioned are to be applied; and which drafts, so drawn, shall be sufficient authority to the bank to pay such money to the persons mentioned in such drafts, or to the bearer of them.

On the death or removal of a treasurer, the balance in

VI. And be it further enacted, That upon the death, resignation, or removal, of the present, and every other treasurer of his Majesty's navy hereafter to be appointed, the balance of cash

the bank to veſt in his ſucceſſor.

caſh for which he ſhall at that time have credit, on his account or accounts as treaſurer of his Majeſty's navy, with the governor and company of the bank of *England*, ſhall, at the end of the current month after a ſucceſſor ſhall be appointed to the ſaid office, actually veſt in ſuch ſucceſſor, in truſt for the ſervice of the navy under the reſpective heads, and be forthwith tranſferred, carried over, and placed to the account or accounts of ſuch ſucceſſor treaſurer of his Majeſty's navy, to be applied to the ſaid ſervice, in purſuance of the like drafts as aforeſaid:

Treaſurer to iſſue his drafts for all unſatisfied demands;

and the treaſurer of his Majeſty's navy for the time being ſhall, and he is hereby directed and required to form his memorials and requiſitions to the treaſury, and to iſſue his drafts as aforeſaid, for all charges and demands on account of the navy ſervice, which ſhall be due and remain unſatisfied, although the ſame may have accrued in the time of any former treaſurer.

and to make up annual accounts of navy and victualling ſervices,

VII. And be it further enacted, That the ſaid treaſurer of the navy ſhall, and he is hereby required to make up, or cauſe to be made up, an annual account of the navy and victualling ſervices, intituled, *The Account of the Treaſurer of his Majeſty's Navy*, to be ſigned and atteſted by every treaſurer who ſhall have paid or diſcharged any part of the ſaid account; the firſt account to end on the thirty-firſt day of *December*, one thouſand ſeven hundred and eighty-ſix; and every ſucceeding account to begin on the firſt day of *January*, and to end on the thirty-firſt day of *December*, in each year following, and to tranſmit the

to be tranſmitted to the auditor of the impreſt.

ſame (having been previouſly examined in the offices of the commiſſioners of the navy, of the victualling office, and of the ſick and hurt, and ſigned by the commiſſioners of the navy), to the auditor or auditors of the impreſt, who ſhall, and they are hereby directed and required, within three months after the receipt thereof, to examine, or cauſe to be examined, the ſaid annual accounts, and, if found ſatisfactory, to preſent, or cauſe to be preſented, the ſame to the proper officer or officers for declaration; and when the ſame is declared, a quietus or acquittance, in the uſual form, ſhall be made out to the ſaid treaſurer or treaſurers, his or their heirs, executors, and adminiſtrators.

Treaſurer to inſert, in the annual account, all payments made to him in ſuch year, etc.

VIII. And be it further enacted, That the treaſurer of the navy ſhall every year inſert, in the ſaid annual account, all payments which ſhall have been made by him in the courſe of ſuch year; and that all bills, which ſhall have been drawn by the commiſſioners of the navy or victualling, ſhall be ſufficient vouchers to diſcharge the ſaid treaſurer of any ſums paid by him upon ſuch bills, whether the payments directed to be made by the ſaid bills ſhall be ſpecified to be upon account, or otherwiſe; and that when the ſaid treaſurer of the navy ſhall, in the account of any year, have taken credit for any payments made in purſuance of impreſt bills, or on account, no further bills ſhall in any ſubſequent period be drawn upon the ſaid treaſurer, or any treaſurer of the navy for the time being, for the purpoſes of clearing the ſaid impreſts, but the perſons to whom the payments

ments have been so made on account, shall be set *insuper* in the exchequer, and to be made accountable for the same, and the treasurer of the navy shall be no longer chargeable or accountable for the same.

Treasurer to keep an account with the bank, etc.

IX. And be it further enacted, That, from and after the first day of *July*, one thousand seven hundred and eighty-five, the treasurer of his Majesty's navy for the time being shall keep the account with the bank of all monies issued to or directed to be paid to him for the service of the navy; and the said treasurer, observing the rules and regulations hereby prescribed, shall not be answerable for any money which he shall not actually receive; and the governor and company of the bank of *England* shall be answerable for all the monies which shall be actually received by them for the service of the navy.

Any person forging the name of the treasurer, etc. to obtain money from the bank, shall suffer death as a felon.

X. And be it further enacted, That if any person or persons shall, from and after the passing of this act, knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly or wilfully act or assist in the forging or counterfeiting the name or hand of the treasurer of his Majesty's navy for the time being, or the person or persons authorised as aforesaid, to any draft, instrument, or writing whatsoever, for or in order to the receiving or obtaining any of the money in the hands or custody of the governor and company of the bank of *England*, on account of the treasurer of his Majesty's navy; or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any draft, instrument, or writing in form of a draft, made by such treasurer of his Majesty's navy, or the person or persons authorised as aforesaid; or shall utter or publish any such, knowing the same to be forged or counterfeited, with an intention to defraud any person whomsoever; every such person and persons so offending, being thereof lawfully convicted, shall be, and is and are hereby declared and adjudged to be guilty of felony, and shall suffer death as a felon, without benefit of clergy.

Not to prevent the treasurer from issuing money to pay clerks at out-ports.

XI. Provided always, and be it enacted, That this act shall not extend, or be construed to extend, to prevent the treasurer of his Majesty's navy from issuing to the pay clerks at the several out-ports, such sums as may be thought necessary by the navy board for paying ships, and carrying on recalls; and the pay clerk at each port shall, and he is hereby required to make up, at the end of every month, on account of all his receipts and payments during that month, which account shall be signed by him, the comptroller's clerk, and the ticket office clerk, at each port, and transmit the same, within fourteen days after the expiration of each month, to the treasurer of his Majesty's navy, and a copy thereof to the commissioners of his Majesty's navy; and the comptroller's clerk at every out-port shall, and he is hereby required to transmit to the navy board every week an account of the payments made by the treasurer's clerk at that port.

XII. And

On the death, etc. of every treaſurer, ſaid clerks accounts to be made up, etc.

XII. And be it further enacted, That, upon the death, reſignation, or removal, of every treaſurer of his Majeſty's navy, the accounts of the pay clerks at the ſeveral out-ports ſhall be immediately made up and the balance of caſh, for which he ſhall at that time have credit with each of them, ſhall, as ſoon as a ſucceſſor ſhall be appointed, be carried to the credit of the account of ſuch ſucceſſor, and an account thereof forthwith tranſmitted to the commiſſioners of the navy.

CAP. XXXII.

An act for granting annuities to ſatisfy certain navy, victualling, and tranſport bills, and ordnance debentures.

May it pleaſe your moſt excellent Majeſty,

Preamble.

WHEREAS, *notwithſtanding the large ſupplies which were granted for carrying on the late war, ſeveral debts remain unprovided for, on account of bills payable in the courſe of the navy and victualling offices, and for tranſports, and upon account of debentures payable out of the office of ordnance; and it is highly expedient that proviſion ſhould be made for the eſtabliſhing certain annuities, to be paid to the perſons intereſted in or intitled unto ſuch bills and debentures, in lieu thereof, in the manner herein-after mentioned*; we, your Majeſty's moſt dutiful and loyal ſubjects, the commons of *Great Britain*, in parliament aſſembled, do therefore moſt humbly beſeech your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all perſons intereſted in or intitled unto any bill or bills payable in the courſe of the navy or victualling offices, or for tranſports, which were dated on or before the thirtieth day of *June*, one thouſand ſeven hundred and eighty-three, who already have carried, or ſhall, on or before the ſixth day of *June*, one thouſand ſeven hundred and eighty-five, carry the ſame, after having had the intereſt thereupon computed up to the fifth day of *July*, one thouſand ſeven hundred and eighty five, and marked upon the ſaid bills at the navy or victualling offices reſpectively, to the office of the treaſurer of his Majeſty's navy, ſhall have, in exchange for the ſame, from ſuch treaſurer, or his paymaſter or caſhier, a certificate to the governor and company of the bank of *England* for the amount of the principal and intereſt computed thereupon; and the perſons who ſhall be poſſeſſed of ſuch certificates ſhall, upon delivery thereof to the ſaid governor and company, be intitled, in reſpect of the ſame, to the ſum of one hundred and eleven pounds and eight ſhillings capital ſtock, for each one hundred pounds contained in ſuch certificates, and ſo in proportion for any greater or leſſer ſum; and alſo, that all perſons intereſted in or intitled unto ſuch navy, victualling, and tranſport bills, made out between the ſaid thirtieth day of *June*, one thouſand

Perſons poſſeſſed of navy or victualling bills, etc. dated on or before June 30, 1783, etc. may carry them to the treaſurer of the navy's office, and exchange them for certificates;

on delivery whereof at the bank, they ſhall be intitled to certain ſtock.

Regulations relative to ſuch bills made out be-

thousand seven hundred and eighty-three, and the first day of *January*, one thousand seven hundred and eighty-five, who already have carried, or shall, on or before the said sixth day of *June*, one thousand seven hundred and eighty-five, carry the same, after having had the interest, due upon such of the said bills as bear an interest, computed and marked upon the said bills to the fifth day of *July*, one thousand seven hundred and eighty-five, at the navy and victualling offices respectively, to the treasurer of his Majesty's navy, shall have in exchange for the same from such treasurer, or his paymaster or cashier, a certificate to the said governor and company of the bank of *England* for the amount of the principal and interest computed thereupon, after deducting therefrom a sum, at the rate of five shillings *per centum*, upon the amount of such principal and interest, for every month between the first day of *July*, one thousand seven hundred and eighty-three, and the day on which such bill was made out; and the persons who shall be possessed of such certificates, upon delivery thereof to the said governor and company of the bank of *England*, shall be intitled, in respect of the same, to one hundred and eleven pounds and eight shillings capital stock, for every one hundred pounds contained in such certificate, and so in proportion for any greater or lesser sum: and also that all persons interested in or intitled unto any debentures, payable out of the office of ordnance, which were dated on or before the thirty-first day of *December*, one thousand seven hundred and eighty-three, who already have carried, or shall, on or before the sixth day of *June*, one thousand seven hundred and eighty-five, carry the same to the treasurer of his Majesty's office of ordnance, and shall have the interest on such debentures computed, after the rate of four pounds *per centum per annum*, from the expiration of fifteen months from the date thereof, to the fifth day of *July*, one thousand seven hundred and eighty-five, shall, in exchange for such debentures, have a certificate to the governor and company of the bank of *England* for every one hundred pounds contained in the amount of the principal and interest of such debentures, upon delivery thereof to the said governor and company of the bank of *England*, shall be intitled, in respect of the same, to the sum of one hundred and eleven pounds and eight shillings capital stock, for each one hundred pounds contained in such certificates, and so in proportion for any greater or lesser sum; which said capital stock shall be attended with annuities, after the rate of five pounds *per centum per annum*, to commence from the fifth day of *July*, one thousand seven hundred and eighty-five, and shall be paid and payable at the bank of *England*, at the times and in the manner herein-after mentioned.

tween June 30. 1783. and Jan. 1, 1785.

Similar provisions relative to ordnance debentures.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, who shall be possessed of, interested in, or intitled unto, any bill or bills payable in course out of his Majesty's offices of the navy or victual-

Persons possessed of any such bills, etc. may deliver them to the respective

treasurers, to have them marked, etc. before June 7, 1785.

victualling, or for transports, which were respectively made out or dated in the said respective offices on or before the thirtieth day of *June*, one thousand seven hundred and eighty-three, and between the said thirtieth day of *June*, one thousand seven hundred and eighty-three, and the said first day of *January*, one thousand seven hundred and eighty-five; or shall be possessed of, interested in, or intitled unto, any debenture or debentures payable out of his Majesty's office of ordnance, which were respectively made out or dated on or before the thirty-first day of *December*, one thousand seven hundred and eighty-three, to deliver such bill or bills, debenture or debentures, to the respective treasurers of the said offices, to be marked, cancelled, and certified, in such manner as is herein-after mentioned, at any time on or before the sixth day of *June*, one thousand seven hundred and eighty-five, and at such place or places as shall have been appointed, by notice given in the *London Gazette*, and other publick papers, for that purpose.

Interest due on July 5, 1785, on navy bills, etc. to be marked thereon at the respective offices.

III. Provided always, and be it further enacted by the authority aforesaid, That the interest which became due on the said fifth day of *July*, one thousand seven hundred and eighty-five, for and in respect of such of the said navy, victualling, and transport bills, as bear an interest, shall be computed and marked upon the said bills at the navy or victualling offices respectively, before the same are delivered to the treasurer of his Majesty's navy; and the proper officer and officers of his Majesty's navy office and victualling office respectively, is and are hereby authorised and required to compute and mark the interest as aforesaid upon every such bill which shall be tendered to him or them for that purpose.

Treasurers of the navy and ordnance may receive and cancel such bills, and deliver certificates in lieu thereof.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the treasurer of his Majesty's navy for the time being, to take in and receive from all and every person or persons, natives or foreigners, bodies politick or corporate, who is, are, or shall be possessed of, interested in, or intitled unto, any such navy, victualling, or transport bills, all the said bills which any such person or persons, bodies politick or corporate, shall, on or before the said sixth day of *June*, one thousand seven hundred and eighty-five, deliver to such treasurer; and the said treasurer, or his paymaster and cashier, is and are hereby authorised and required to mark and cancel every such bill, and make forth and sign the certificates herein directed to be made out in lieu of the said bills; and that also it shall and may be lawful to and for the treasurer of his Majesty's office of ordnance, in like manner, to take in all such debentures, payable out of the said office of ordnance, which, on or before the said sixth day of *June*, one thousand seven hundred and eighty-five, shall be delivered to him; and the said last mentioned treasurer, or his deputy, is hereby authorised and required to cancel the same, and to make forth and sign the certificates herein directed to be made out in lieu of such debentures.

V. And

In case all such bills cannot be delivered to the treasurer of the navy, within the time before limited, a further time to be allowed:

V. And be it further enacted, That if it shall happen that, from the multiplicity of computations to be made upon the several bills that may be brought to the respective offices of the navy or victualling to be marked, and the interest thereupon computed up to the fifth day of *July*, one thousand seven hundred and eighty-five, the same cannot be completed so as to be delivered to the treasurer of the navy, or his paymaster or cashier, within the time limited by this act, for the said treasurer, or his paymaster or cashier, to form the proper calculations, and make forth such certificates as are herein directed to be transmitted to the bank of *England*; in all such cases, any person or persons, intitled to such of the said navy, victualling, or transport bills, as shall be tendered to, and left with the officers herein directed to receive such bills, on or before the said sixth day of *June*, one thousand seven hundred and eighty-five, upon producing to the treasurer of the navy, or his paymaster or cashier, any bill or bills, marked and computed in the manner herein-before directed, shall be intitled to receive from the said treasurer of the navy, or his paymaster or cashier, a certificate to the bank of *England* for the sums contained in such bill or bills; provided such bill or bills shall be demanded at, and received from the respective offices of the navy or victualling, on or before the thirtieth day of *September*, one thousand seven hundred and eighty-five, and shall be delivered to the said treasurer, or his paymaster or cashier, within seven days after the same shall be received from the said navy or victualling offices respectively, notwithstanding the time of tendering the same to the said treasurer, or his paymaster or cashier, shall be after the day herein limited for that purpose; and the several and respective officers above mentioned are hereby authorised and required to issue such bills and certificates accordingly.

and so likewise for such bills as cannot be delivered into the navy or victualling offices, etc. within the time before limited.

VI. *And in case it shall happen that any person or persons, intitled to any such navy, victualling, or transport bills, or ordnance debentures, shall, from any unavoidable accident or cause, not be able to deliver into the respective offices of the navy or victualling, or to the office of the treasurer of the ordnance, on or before the said sixth day of* June, *one thousand seven hundred and eighty-five, any such bills or debentures*, be it enacted, That upon sufficient cause being shewn, to the satisfaction of the commissioners of his Majesty's treasury, it shall and may be lawful for the said commissioners of the treasury, or any three or more of them, at any time or times before the sixth day of *July*, one thousand seven hundred and eighty-five, to direct, authorise, and impower the officers of the navy or victualling offices respectively, and of the treasurer of the ordnance, to accept and take in from such person or persons any such bills or debentures, and to compute the interest and mark the same; and the treasurer of the navy and ordnance respectively to make forth such certificate or certificates as are herein-before directed to be done and made out; and the governor and company of the bank of *England* are hereby authorised and impowered to give credit for such stock and annuities,

annuities, as ſuch perſon or perſons would have been intitled to, in reſpect of ſuch bills or debentures, in caſe ſuch bills or debentures had been delivered into ſuch office or offices before the ſaid ſixth day of *June*, one thouſand ſeven hundred and eighty-five.

Perſons producing their certificates at the bank, ſhall be intitled to 5 per cent. annuities for the ſame.

VII. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons, bodies politick and corporate, who ſhall deliver any ſuch bill or bills, debenture or debentures, to the ſaid reſpective treaſurers as aforeſaid, upon producing ſuch certificates as are hereby directed to be made forth by the ſaid treaſurers, in lieu of ſuch bills and debentures, ſhall, in reſpect of the principal ſum hereby granted, for every entire ſum of one hundred pounds contained in ſuch reſpective certificates, have and be intitled to an annuity after the rate of five pounds *per centum per annum*, to commence from the ſaid fifth day of *July*, one thouſand ſeven hundred and eighty-five, and to be paid or payable to ſuch perſon or perſons, bodies politick or corporate, or ſuch as he, ſhe, or they ſhall appoint, his, her, or their executors, adminiſtrators, ſucceſſors, or aſſigns reſpectively; which ſaid annuity ſhall be payable half-yearly at the bank of *England*, at two of the moſt uſual days of payment in the year; (that is to ſay), the fifth day of *January*, and the fifth day of *July*; the firſt payment thereof to become due on the fifth day of *January*, one thouſand ſeven hundred and eighty-ſix; and that all perſons and corporations intitled to any ſuch annuity or annuities aforeſaid, and his, her, and their adminiſtrators, ſucceſſors, and aſſigns reſpectively, and all perſons and corporations lawfully claiming under him, her, or them, ſhall have good, ſure, abſolute, and indefeaſible eſtates and intereſts in the ſaid annuities, according to the tenor and true meaning of this act; and ſhall be poſſeſſed thereof as of a perſonal eſtate, which ſhall not be deſcendible to heirs, nor liable to any foreign attachment by the cuſtom of *London*, or otherwiſe, any law, cuſtom, or uſage to the contrary notwithſtanding; and that all the ſaid annuities ſhall be free from all taxes, charges, and impoſitions whatſoever.

Annuities to be deemed perſonal eſtate, and to be tax-free.

Annuities to be paid out of a fund to be eſtabliſhed this ſeſſion, etc.;

VIII. And be it further enacted by the authority aforeſaid, That the ſaid annuities after the rate of five pounds *per centum per annum*, ſhall be charged and chargeable upon, and payable out of, the monies which ſhall from time to time ariſe and be in the receipt of the exchequer of the fund to be eſtabliſhed in this ſeſſion of parliament, and for which the fund, commonly called *The Sinking Fund*, ſhall be a collateral ſecurity; and that the ſaid annuities ſhall be irredeemable until twenty-five millions of the publick debt, bearing intereſt after the rate of either three pounds *per centum per annum*, or four pounds *per centum per annum*, ſhall have been redeemed and paid off.

and to be made a joint fund for ſaid annuities, a

IX. And be it further enacted by the authority aforeſaid, That all the annuities to which any perſon or perſons ſhall become intitled by virtue of this act, on which the ſaid annuities, after the rate of five pounds *per centum per annum*, ſhall be attending,

tending, shall, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, be added to, and made one joint stock of annuities, transferrable at the bank of *England*, with the annuities established by an act made in the last session of parliament, (intituled, *An act for granting annuities to satisfy certain navy, victualling, and transport bills, and ordnance debentures*); and that all and every person and persons, and corporations whatsoever, in proportion to the money to which he, she, or they shall become intitled, as aforesaid, by virtue of this act, shall have, and be deemed to have, a proportional interest and share in the said stock of annuities at the rate aforesaid; and that all the said joint stock of annuities shall be paid and payable out of the several duties granted, as well by sundry acts passed in the last session of parliament for the payment of annuities granted in the same session, as of such duties as by any act or acts of this present session shall be charged with, and made applicable to, the payment thereof.

blished by 24 Geo. 3. c. 39.

X. And be it further enacted by the authority aforesaid, That, upon the delivering in of every such navy, victualling, or transport bill, by any person or persons, bodies politick or corporate, the treasurer of his Majesty's navy, or his paymaster and cashier, shall, and they are hereby authorised and required forthwith to give a certificate, signed by him or them, for the principal sum or sums contained in every such bill, and also for the interest which shall have been computed and marked as aforesaid, to be due on the said fifth day of *July*, one thousand seven hundred and eighty-five, upon such of the said bills as bear an interest, to such person or persons, bodies politick or corporate, or his, her, or their assigns; and that upon the delivering in, by any person or persons, bodies politick or corporate, of every such debenture or debentures, the treasurer of his Majesty's office of ordnance, or his deputy, shall, and they are hereby authorised and required forthwith to give a certificate, signed by the said treasurer or deputy, for the principal sum or sums contained in every such debenture, and also for the interest on such debentures, computed after the rate of four pounds *per centum per annum*, from the expiration of fifteen months from the date thereof, to the fifth day of *July*, one thousand seven hundred and eighty-five, to such person or persons, bodies politick or corporate, or his, her, or their assigns; and all such certificates shall be assignable by indorsement thereupon made, at any time before the first day of *December*, one thousand seven hundred and eighty-five, and no longer; and all such certificates and assignments thereupon shall not be charged with any stamp-duties whatsoever; and that the interest so computed and marked on every such bill and debenture respectively, bearing interest as aforesaid, shall be added to the principal sum contained in every such bill and debenture respectively; and the amount of such principal and interest, or the amount of the sum contained in every such bill and debenture not bearing interest, certified in manner before directed, except as hereinafter

Treasurer of the navy, on receipt of navy bills, etc. to give certificates for the same;

and so likewise the treasurer of the ordnance, on the receipt of debentures.

Certificates assignable until Nov. 30, 1785, etc.

is mentioned, shall be the principal sums for which the person or persons, bodies politick or corporate, delivering such bills or debentures, shall, for every one hundred pounds therein mentioned, be intitled to one hundred and eleven pounds, and eight shillings, in the capital stock of annuities, after the rate of five pounds *per centum per annum*, established by this act, and so in proportion for any greater or less sum.

Bills or debentures, the property of infants, may be delivered by their guardians, etc. to the said treasurers.

XI. And be it further enacted by the authority aforesaid, That if any infants shall, by the gift, devise, or decease of the parent, or other relation of such infants, or otherwise, become intitled to any of the said bills or debentures; in such case, the guardian or guardians, trustee or trustees of such infant or infants, shall or may be, and he, she, or they, is or are hereby impowered, for the benefit of such infant or infants, to deliver up to such respective treasurers all such of the said bills or debentures to which such infant or infants shall be so intitled; and such infant and infants, guardian or guardians, trustee or trustees, delivering up such bills or debentures, shall be intitled to such an annuity as aforesaid, and the said guardian or guardians, trustee or trustees, shall be discharged from the same; any thing herein contained, or any law, usage, or custom, to the contrary in anywise notwithstanding.

Clause relative to bills, etc. in possession of executors, trustees, depositaries, etc.

XII. Provided also, and be it further enacted by the authority aforesaid, That any person or persons who, as executor to, or administrator, trustee, committee of an idiot, or lunatick, or persons of unsound mind, depositary or mortgagee, shall be or become possessed of, interested in, or intitled unto, any of the said bills or debentures, shall and may deliver up such bills or debentures, as they shall be so possessed of, interested in, or intitled unto, to such respective treasurers as aforesaid; and as to executors or administrators, the annuities which they shall be intitled to in respect of the said bills or debentures so by them delivered up, shall be the same assets in their hands as the said bills or debentures were or would have been had they not been so delivered up for such annuity as aforesaid; and as to trustees, committees, depositaries, and mortgagees, the annuity which they shall be intitled unto, for or in respect of such trust, or mortgaged bills or debentures, which they shall so deliver up to such respective treasurers as aforesaid, shall be subject and liable to the same trusts, and equity of redemption, as such bills or debentures were, or would have been, had they not been so delivered up for such annuity as aforesaid.

The bank to receive certificates;

XIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said governor and company of the bank of *England*, and their successors, or such person or persons as they shall appoint for that purpose, and he and they is and are hereby respectively authorised and required to take in and receive all and every of the certificates to be made out in lieu of the said bills and debentures as aforesaid, in pursuance of the directions of this act; and upon the receipt of every such certificate shall, and he and they is and are hereby required

...quired forthwith to give credit, in a book or books to be prepared for that purpose, for the principal sum of one hundred and eleven pounds, and eight shillings, for every one hundred pounds contained in every such certificate, so brought to him or them as aforesaid, and so in proportion for a greater or lesser sum; and the person or persons, bodies politick or corporate, whose credit such principal sums shall be entered in the said book or books, his, her, or their executors, administrators, or assigns, shall and may have power to assign and transfer the same, or any part, share, or proportion thereof, to any other person or persons, bodies politick or corporate whatsoever, in other books to be prepared and kept for that purpose; and the said governor and company for the time being shall also, on or before the fifth day of *July*, one thousand seven hundred and eighty-six, transmit an attested duplicate, fairly written on paper, of the said book or books first herein-before mentioned, into the office of the auditor of the receipt of his Majesty's exchequer, there to remain for ever.

and for ev... 100l. there... contained, to give credit for 111l. 8s.

Stock may be transferred.

XIV. *And, for the more easy and sure payment of the annuities established by this act*, it is hereby further enacted by the authority aforesaid, That the said governor and company of the bank of *England*, and their successors, shall, from time to time, appoint and employ one or more sufficient person or persons, within their office in the city of *London*, to be their chief or first cashier or cashiers, and one other sufficient person, within the same office, to be their accountant general; and that the monies from time to time, and at any time, being in the receipt of the exchequer of the fund to be established for paying the said annuities, shall, by order of the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, without any further or other warrant to be sued for, had, or obtained in that behalf, be issued and paid at the said receipt of exchequer to the said first or chief cashier or cashiers of the said governor and company of the bank of *England*, and their successors, for the time being, by way of impress, and upon account, for the payment of the said annuities; and that such cashier or cashiers, to whom the said monies shall from time to time be issued, shall, from time to time, without delay, apply and pay the same accordingly, and render his or their accounts thereof according to the due course of the exchequer.

The bank, from time to time, to appoint a cashier and accountant general, etc.

Cashiers, on receipt of monies at the exchequer, to pay the annuities.

XV. And it is hereby also enacted, That the said accountant general for the time being shall, from time to time, inspect and examine all receipts and payments of the said cashier or cashiers, and the vouchers relating thereunto, in order to prevent any fraud, negligence, or delay.

Accountant general to examine cashiers receipts and payments.

XVI. And be it further enacted by the authority aforesaid, That all the monies intended to be converted into annuities by virtue of this act, shall be deemed, reputed, and taken to be one capital or joint stock, on which the said annuities, after the rate of five pounds *per centum per annum*, shall be attending;

Monies to be converted into annuities to be one joint stock,

and that all and every perſon and perſons, and corporations whatſoever, in proportion to the money which he, ſhe, or they ſhall be intitled to as aforeſaid, ſhall have, and be deemed to have, a proportional intereſt and ſhare in the ſaid ſtock, and in the annuity attending the ſame, at the rate aforeſaid; and that the ſaid whole capital or joint ſtock, or any ſhare or intereſt therein, and the proportional annuity attending the ſame, ſhall be aſſignable and transferrable as this act directs, and not otherwiſe: and that there ſhall conſtantly be kept in the office of the ſaid accountant general for the time being, within the city of *London*, a book or books, wherein all aſſignments or transfers of the ſaid whole capital or joint ſtock, or any part thereof, and the proportional annuity attending the ſame at the rate aforeſaid, ſhall be entered and regiſtered; which entries ſhall be conceived in proper words for that purpoſe, and ſhall be ſigned by the parties making ſuch aſſignments or transfers; or, if any ſuch party or parties be abſent, by his, her, or their attorney or attornies, thereunto lawfully authoriſed by writing under his, her, or their hands and ſeals, to be atteſted by two or more credible witneſſes; and that the perſon or perſons to whom ſuch transfer ſhall be made ſhall reſpectively underwrite his, her, or their acceptance thereof; and that no other method of aſſigning or transferring the ſaid ſtock, and the annuities attending the ſame, or any part thereof, or any intereſt therein, ſhall be good and available in law, and that no ſtamp-duties whatſoever ſhall be charged on the ſaid transfers, or any of them.

and to be transferrable.

Transfer books to be kept in the accountant general's office, &c.

Stock may be deviſed by will.

XVII. Provided always, That all perſons poſſeſſed of any ſhare or intereſt in the ſaid joint ſtock of annuities, or any eſtate or intereſt therein, may deviſe the ſame by will in writing, atteſted by two or more credible witneſſes; but that no payment ſhall be made upon any ſuch deviſe, until ſo much of the ſaid will, as relates to ſuch eſtate, ſhare, or intereſt, be entered in the ſaid office; and that, in default of ſuch transfer or deviſe, ſuch ſhare, eſtate, or intereſt, ſhall go to the executors, adminiſtrators, ſucceſſors, and aſſigns.

Bank to continue a corporation until redemption of the annuities.

XVIII. Provided alſo, and it is hereby further enacted by the authority aforeſaid, That the ſaid governor and company of the bank of *England*, and their ſucceſſors, notwithſtanding the redemption of all or any of their own funds in purſuance of the acts for eſtabliſhing the ſame, or any of them, ſhall continue a corporation for the purpoſes of this act, until all the ſaid annuities ſhall be redeemable by parliament; and the ſaid governor and company, or any member thereof, ſhall not incur any diſability for or by reaſon of his or their doing any matter or thing in purſuance of this act.

No fee to be taken for computing intereſt on, or cancelling ſaid bills, &c.

XIX. And it is hereby enacted by the authority aforeſaid, That no fee, reward, or gratuity whatſoever, ſhall be demanded or taken for computing and marking the intereſt on the ſaid bills or debentures, or for receiving, taking in, or cancelling the ſaid bills or debentures, or any of them, or for granting certificates in lieu thereof as aforeſaid, or for iſſuing the monies for

for paying the said annuities, or any of them, or for any transfer of any sum, great or small, to be made in pursuance of this act, upon pain that any officer or person offending, by taking or demanding any fee, reward, or gratuity contrary to this act, shall, for every offence, forfeit the sum of twenty pounds to the party grieved, to be recovered, with full costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, or wager of law, injunction, or order of restraint, or any more than one imparlance, shall be granted or allowed.

on penalty of 20l.

XX. Provided always, and be it enacted by the authority aforesaid, That the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall have power, and they are hereby authorised, out of the fund to be established in this session of parliament for payment of the annuities granted by this act, or out of the sinking fund, to reward all such persons as shall be anyways employed in the execution of this act, for their service, pains, and labour; and also to defray such incident charges as shall necessarily attend the same: and also to appoint such allowances as they shall think proper, for the service, pains, and labour of the cashier or cashiers of the said governor and company of the bank of *England*, for receiving, paying, and accounting for the said annuities made payable by this act; and also for the service, pains, and trouble of the accountant general of the said governor and company, for performing the duty and trust incumbent on him by this act; all which allowances hereby impowered to be made as aforesaid, in respect to the service, pains, and labour, of any officer or officers of the said governor and company of the bank of *England*, shall be for the use and benefit of the said governor and company, and at their disposal only; any thing herein contained to the contrary notwithstanding.

Treasury may reward all persons employed in executing this act out of the fund for payment of the annuities.

XXI. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times, be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any matter or thing therein contained, such person or persons shall or may plead the general issue, and give the special matter in evidence for his or their defence; and if a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his or their action, or be nonsuited, or judgement shall be given against him or them, upon demurrer or otherwise, then such defendant or defendants shall have treble costs to him or them awarded against such plaintiff or plaintiffs.

Persons prosecuted for executing this act, may plead the general issue,

and recover treble costs.

CAP. XXXIII.

An act for raising a further sum of money, by exchequer bills, for the service of the year one thousand seven hundred and eighty-five. — To raise 1000000 before Jan. 5, 1786, as by malt act.

CAP. XXXIV.

An act for better paving, cleansing, repairing, lighting, and watching the highways, streets, and lanes, of and in the vill of Ramsgate, in the county of Kent; and for removing and preventing annoyances therein; and for erecting a market-house, and holding a publick market in the said vill.

Commissioners for putting the act in execution. In case of the death, &c. of commissioners, new ones to be elected. Not obliged to elect new commissioners, until the number is reduced to thirty. No person holding any office, or having share in contract or works, to act as commissioner. The major part of commissioners, not less than seven at any meeting, to carry the act into execution. The president to have the casting voice. Proceedings to be entered in a book. Such book to be evidence. No act of the commissioners to be binding unless done at a meeting. First meeting at the workhouse in Ramsgate on the Tuesday fortnight after the passing the act. Adjournments by majority, &c. Qualification of commissioners, (except mayor of Sandwich and vicar of St. Laurence) residence in said vill, 20l. per ann. real estate, and 500l. personal. Penalty on acting not being qualified, 100l. Commissioners to appoint a clerk, treasurer, and surveyor, and allow them salaries. Officers refusing, &c. to obey the orders of commissioners, to be incapacitated, and to forfeit 50l. Pavement vested in the commissioners, who may direct the pavements to be altered, relaid, or repaired. Materials to be provided, and paid for, by the commissioners. No alteration to be made in the pavements without consent of the commissioners. Commissioners to contract for paving the streets, &c. Lamps to be affixed in such places as commissioners shall appoint. Persons destroying the lamps, or furniture thereof, to forfeit for the first offence 10s. for the second 15s. and for the third 20s. Persons accidentally damaging lamps, to make good the same. Watchmen to be appointed. For every chaldron of coals, coke or cinder, containing thirty-six Winchester bushels, imported and landed, or carried through the liberty of the vill of Ramsgate, 1s. and for coals, &c. sold by tun, of twenty hundred weight, 1s. and so in proportion above all other duty. Duty on coals, &c. to be collected before ships be permitted to depart from the port. On refusal to pay the duty, vessels and carriages to be detained. Obstructing payment of duty, or selling or consuming coals, &c. before payment thereof, to forfeit 40s. and damages, or be committed to the house of correction for two months, if not paid sooner; one moiety of the penalty to the informer. Books to be provided for entering accounts of monies received by the duty. General highway act to remain in force, as by 13 Geo. 3. c. 78. Surveyors of the highways to produce their accounts to the commissioners. Commissioners may borrow money at interest, but not more than 3000l. and assign the rates as a security; or may grant annuities on lives. Account of money borrowed, and annuities granted, to be entered in books. Persons purchasing annuities to enjoy the same during their lives, or lives of their nominees. Securities may be transferred. Monies borrowed to be charged upon the duties, &c. The duties to be applied to the purposes of the act. When monies paid off, commissioners to assemble inhabitants, and if they agree, then the duty to continue for ten years longer, but if they do not consent, then the duty to be reduced to 6d. per chaldron or tun; and at the expiration of the said ten years, finally to cease. Pavements to be repaired upon complaint of want of reparation. Foot pavements to be swept by inhabitants. Land to be provided for depositing materials for repairing the streets. Signs to be placed on the fronts of houses, and incroachments to be removed. Foot-paths and highways may be widened. Annoyances to be removed. Nuisances not to be permitted in the streets, &c. Liberty to make inclosures for building or repairing houses, &c. Projections to be avoided in future. Penalty on obstructing the execution of the act, 3l. Power to get materials. Watchmen to apprehend malefactors

lefactors and disturbers of the peace. Commissioners to set out a market. Market-house to be erected. Market-house vested in the commissioners. Market tolls not to commence till twelve months after the market is opened. To prevent incroachments on the market, no other to be held in the vill, nor any flesh, nor raw victuals, fish, poultry, butter, eggs, herbs, roots, nor garden stuff, to be sold in any other place therein, on penalty of 5l. to be recovered by distress and sale of goods, and one moiety to go to the informer. Fishermen may sell fish on the strand, and the inhabitants provisions in their houses. Penalties may be mitigated. Market-house, &c. to be erected by voluntary subscription. Commissioners to purchase ground for the market. If owners of ground refuse to agree, jury to settle damages, with the usual clauses. Penalties and forfeitures to be recovered by distress and sale of goods, and applied for the purposes of the act. Expences of the act to be paid out of the money collected. Persons aggrieved may appeal to the sessions. Distress not unlawful for want of form. Saving the jurisdiction of Sandwich. Limitation of actions. General issue. Treble costs. Publick act.

CAP. XXXV.

An act for the more easy and effectual sale of lands, tenements, and hereditaments of crown debtors, or of their sureties.

WHEREAS *by an act, made in the thirteenth year of the reign of Queen* Elizabeth, *(intituled,* An act to make the lands, tenements, goods and chattels, of tellers, receivers, &c. liable to the payment of their debts), *for the better security of the Queen's majesty, her heirs and successors, against such as should have the receipt and charge of the money and treasure of her highness, her heirs and successors, it was declared and enacted, That all lands, tenements, profits, commodities, and hereditaments, which certain officers of the crown, farmers, and persons therein named, particularly the treasurer or receiver of any sums of money impressed, or otherwise, for the use of the Queen's majesty, her heirs or successors, then had, or at any time thereafter should have, within the time he or they, or any of them, should remain accountable; should, for payment and satisfaction unto the Queen's majesty, her heirs and successors, of his or their arrearages, at any time thereafter to be lawfully, according to the laws of the realm, adjudged and determined upon his or their account, (all his due and reasonable petitions being allowed), be liable to the payment thereof, and be put in execution for payment of such arrearages or debts, in like and in as large and beneficial a manner, as if the person had, the day he became officer or accountant, stood bound by writing obligatory, having the effect of a statute of the staple, to her Majesty, her heirs or successors; and reciting, that forasmuch as many times it might come to pass, that the Queen's highness, her heirs or successors, might not be conveniently satisfied of the debt to be determined or due upon any account as aforesaid, by way of extent, for that the yearly value of the lands extended would not satisfy her highness, her heirs or successors, within the compass of many years, so as that great loss might ensue to her highness, her heirs and successors; for remedy thereof it was enacted, That if any treasurer, or other person accountant before mentioned, which should, from and after the first of* Saint Michael *then next ensuing, receive or be charge-* Preamble. 13 Eliz. c. 4.

able with any money or treasure of the Queen, her heirs or successors, and should, upon the determining of his or their account, or by reason of any farm as aforesaid, be found in arrearages, and should not, within six months next after his or their accounts finished, or debt known, pay all such sums of money as he or they should, upon determination of his or their account, or upon his or their debt known, it should be lawful to the Queen's highness, her heirs and successors, at any time, and from time to time, after the said six months ended, to make sale, by her or their letters under the great seal of England, *of so much of the lands, tenements, and hereditaments, of every such accountant or debtor, so being found in arrearages or debt, as might suffice the Queen, her heirs or successors, for satisfaction, until her Majesty, her heirs or successors, should be by such sale fully satisfied and paid off such arrearages and debt; and that if any overplus should be received upon any such sale, then the same should be paid to the accountant or farmer, or his heirs, by the officer that should receive the same money upon any of the said sales, without further warrant in*

27 Eliz. c. 3. *that behalf: and whereas by an act, made in the twenty-seventh year of the same Queen, after reciting certain doubts upon the said act of the thirteenth year of her reign, it was declared and enacted, That the said recited act, in every part thereof touching the power thereby given to her highness, her heirs and successors, to make sale of any the lands, tenements, or hereditaments, by the same act limited to be sold, should be expounded and intended, as well in case where the sale is to be made after the death of such accountant or debtor, as where it is to be made in his or their life-time; and also as well in case where the account is made, or the debt known, within eight years after the death of such accountant or debtor, as where the same account is made, or the debt known, in the life-time of the same accountant or debtor; but it was provided, That after the death of such accountant or debtor, and before any the lands, tenements, and hereditaments, descended unto the heir of such accountant or debtor as heir, should be sold, a* scire facias *should be awarded out of her Majesty's court of exchequer unto the sheriff of the county where any such lands lie, to garnish the same heir, to shew cause why the same lands, tenements, and hereditaments, should not be put to sale for satisfaction of the same debts or farms in the said act mentioned, according to the tenor thereof; whereupon if the heir should not, within a convenient time, upon a garnishment or two* nichils *returned, shew and prove unto the said court that the executors or administrators of such accountant or debtor have sufficient, which ought to answer or be liable for the same debt or farm, then, after ten months next after such two* nichils *or garnishment returned, the same lands, tenements, or hereditaments, should be sold by her Majesty, her heirs or successors, and the money thereof coming disposed according to the said former recited act: and after various other enacting clauses, there was a proviso to prevent sale of the lands, tenements, or hereditaments of any heir, during the*

39 Eliz. c. 7. *time of his or her nonage: and whereas by an act, made in the thirty-ninth year of the reign of Queen* Elizabeth, *the said recited explanatory act of the twenty-seventh year of Queen* Elizabeth *was repealed, and a new exposition was made of the said recited statute of*

the

the thirteenth of Elizabeth, *with various new provisions; but the said act of the thirty-ninth year of* Elizabeth *being only temporary, and having expired early in the reign of* James *the First, the said explanatory act of the twenty-seventh year of* Elizabeth *became revived, and is now in force: and whereas it may tend greatly to facilitate and expedite the payment of debts to the crown, where the real estates of its accountants or debtors, or of their sureties, are seized into the King's hands under writs of extent, if a sufficient part of such estates was to be sold unto the provisions of the said recited acts of the thirteenth and twenty-seventh years of Queen* Elizabeth, *but the said acts have not been lately put in use, and inconvenience is likely to arise if the mode of sale therein directed should be pursued*; be it therefore declared and enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for his Majesty's court of exchequer, and the same court is hereby authorised, on the application of his Majesty's attorney general in a summary way, by motion to the same court, to order that the right, title, estate, and interest of any debtor to his Majesty, his heirs and successors, and the right, title, estate, and interest of the heirs and assigns of such debtor, in any lands, tenements, or hereditaments which have been, or shall hereafter be extended under and by virtue of any such writ of extent or *diem clausit extremum* as aforesaid, or so much thereof as shall be sufficient to satisfy the debt for which the same shall have been so extended, shall be sold in such manner as the said court shall direct; and that when a purchaser or purchasers shall be found, the conveyance of the lands, tenements, or hereditaments so decreed to be sold shall be made to the purchaser or purchasers by his Majesty's remembrancer in the said court of exchequer, or his deputy, under the direction of the said court, by a deed of bargain and sale, to be inrolled in the same court; and that, from and after the making of such conveyance, and the inrollment thereof as aforesaid, the bargainee or bargainees in such conveyance, and his or their heirs, executors, administrators, and assigns, shall have, hold, and enjoy the lands, tenements, and hereditaments therein comprized, for his and their own respective use and benefit, not only against the extent of the crown, but also against such debtor of the crown, or the surety or sureties for such debtor, and all persons claiming under such debtor, or the surety or sureties, unless by a title paramount to, and available in law against such extent as aforesaid; and all monies which shall become payable from any such purchaser or purchasers as aforesaid, shall be paid, accounted for, and applied towards discharge of the debt due to the crown, and of all costs and expences which shall be incurred by the crown in enforcing the payment of such debt, in such manner as the said court of exchequer shall from time to time order and appoint: and if, after payment of the whole debt to the crown, and of all costs and expences

Court of exchequer, on application of the attorney general, may order the estate of any debtor to his Majesty, &c. to be sold.

The surplus, if any, after payment of

debt and costs, to be paid to the persons intitled thereto.

pences incurred in enforcing the payment thereof, there shall be any surplus of the monies arising from any such sale, the said surplus shall belong to the same person or persons as would be intitled to the lands, tenements, or hereditaments sold, if there had not been a sale thereof, and shall accordingly be paid to such person or persons, under the order and direction of the said court of exchequer, upon motion or petition to the said court, to be made upon such notice to the crown, and to be supported by such affidavits or other proofs, as to the said court shall from time to time seem just and reasonable.

Court of exchequer may make an order for the production of title deeds.

II. *And whereas, from the want of the deeds and writings relative to the title of such lands, tenements, and hereditaments, as the said court of exchequer may decree to be sold under this act, difficulties may arise in the execution hereof,* be it therefore further enacted, That it shall be lawful for the said court of exchequer, from time to time, to make such order touching the production, delivery, and custody of such title deeds and writings as aforesaid, in the same manner as if a decree had been made by the said court for a sale of the lands of a crown debtor, in execution of a trust created for payment of debts by such crown debtor himself.

CAP. XXXVI.

An act for building a new bridge over the haven of Great Yarmouth; and for enlarging the term, and altering some of the powers, of an act of the twelfth year of his present Majesty, "for clearing, depthening, repairing, maintaining, and improving, the haven and piers of Great Yarmouth; and for depthening and making more navigable the several rivers emptying themselves into the said haven; and for preserving ships wintering therein from accidents by fire."

12 Geo. 3 c. 14. Commissioners to cause a plan to be made of a new bridge, which is to be built by contract. When the new bridge is built, the present one to be taken down, and the materials sold. So much of the duties by former act, as is equal to one halfpenny per chaldron on coals, Winchester measure, last of wheat, rye, barley, malt, or other grain, and every weigh of salt, and every ton of other goods (fish excepted) imported into the said haven or road, and also all money thereby directed to be applied towards repairing the said bridge and the publick quays, there collected, and not applied, or after received, to be applied by the mayor, &c. of Great Yarmouth, for building the said bridge, and supporting the quays, and for other expences as the commissioners shall direct; and all such money to be annually accounted for. Power to borrow 2000l. and to assign the rates as a security. Assignments may be transferred. After the bridge is completed, the money borrowed to be paid off, according to the direction of the commissioners. The duty appropriated to repair the present bridge, to be applied (after payment of the money to be borrowed) to the repair of the new bridge, etc. Power to apply the surplus of the duties appropriated to Norwich, Norfolk, and Yarmouth, for other purposes than those directed by the act. The corporation to advertise for proposals for furnishing materials for repair of the bridge, etc. Penalty on throwing rubbish, etc. in the haven, etc. 40s. for every offence. Expences of this act to be paid out of the first money. Former act continued, (except where altered.) and the present act to commence June 13, 1785, and to continue for the further term of twenty-one years, from the expiration of the former act. Publick act.

CAP.

CAP. XXXVII.

An act for rebuilding the bridge across the river of Ayr, *at the town of* Ayr.

WHEREAS *the bridge across the river of* Ayr, *which is of great publick utility, being the only communication for travellers going for* Ireland, *by the great west road, through the county of* Ayr, *and for the march of his Majesty's troops to* Ireland *by that road is not only very incommodious, being steep at each end, and so narrow, that it is with difficulty that two carriages can pass each other, but also the same, from its great age and natural decay, is become insufficient; it is therefore absolutely necessary either to have the said bridge taken down and rebuilt, or to build a new bridge near to it; but the same cannot be effected without the aid of parliament.*

Magistrates of Ayr empowered to rebuild the bridge of Ayr. Damages to be ascertained by a jury, and the usual clauses for that purpose. For injuring the works of the bridge to pay damages and costs, and may be committed. Pontage for passing the bridge: coaches, &c. drawn by six horses, &c. 4s. by four horses, &c. 2s. by three horses, etc. 1s. 4d. by two horses, etc. 1s. and by one horse, &c. 6d. waggons, etc. drawn by six horses, etc. 4s. by five horses, etc. 3s. 4d. by four horses, etc. 2s. 8d. by three horses, etc. 1s. by two horses, etc. 8d. and by one horse, etc. 4d. for sledges without wheels, and horses, etc. not drawing, 2d. for oxen, etc. per score, 1s. horses, etc. unshod, per score, 2s. for calves, sheep, lambs, hogs, or goats, per score, 6d. Pontage may be levied by distress. Carriages loaden with coals, peat, or turf, drawn by one horse, one penny toll. Toll to be paid but once a day, unless passing with a new loading. Penalty on evading the toll, 20s. Penalty on taking off horses to evade the tolls, 20s. Exemptions from tolls: horses, etc. carrying corn, or victual, to or from Ayr mills, or farm meal to granaries, or dung, etc. or implements of husbandry, carriages, etc. with hay, corn in straw to be laid up, (but if for sale to pay,) but not coals for exportation, nor cattle, etc. to pasture or water, post horses, carriages, attending soldiers on march, or carrying vagrants. But this exemption only to extend to carriages with one horse, except carriages attending soldiers on march. Materials may be gotten for building or repairing the bridge. Houses not to be built on the bridge. In case new bridge shall not be built on the scite of the old one, the toll to be collected at the old bridge till the new one is built. If old bridge becomes impassable before new one built, a ferry to be established. Foot passengers to pay one halfpenny for passing the ferry. Tolls for passing over the river by the old bridge, the same as for the new one. Carriages not to remain on the bridge, etc. longer than necessary, nor cause obstructions, on penalty of 20s. Bridge vested in the magistrates of Ayr. 5000l. may be borrowed. Fords in the river to be spoiled. Old bridge not to be used by wheel carriages after new one built. Commissioners appointed. Tolls to be reduced when they produce 7l. 10s. per cent. of the cost. Free when money borrowed is paid, and a fund raised to keep it in repair. Commissioners to settle accounts. Commencement of the act from the passing. Magistrates and council to have jurisdiction in complaints, and determine thereon in a summary way. Costs allowed in actions brought. Sheriffs, etc. to be aiding in execution of the act. Publick act.

CAP.

CAP. XXXVIII.

An act for vesting in Edward Bancroft, *doctor in physick, his executors, administrators, and assigns, the sole property of his invention or discovery of the use and application of certain vegetables for dying, staining, printing and painting certain valuable colours, throughout that part of his Majesty's kingdom of* Great Britain *called* England, *the dominion of* Wales, *and town of* Berwick upon Tweed, *for a limited time.*

Preamble. WHEREAS *his most excellent majesty King* George *the Third, by his letters patent under the great seal of* Great Britain, *bearing date at* Westminster, *the twenty-third day of* October, *in the fifteenth year of his reign, did give and grant unto* Edward Bancroft, *of* Downing-street, Westminster, *doctor in physick, and fellow of the royal society, his executors, administrators, and assigns, his said Majesty's especial licence, full power, sole privilege and authority to make, use, exercise, and vend his the said* Edward Bancroft's *invention of using certain vegetables growing spontaneously in his Majesty's* American *dominions, and their tingent, staining, or colouring parts and particles, for dying, staining, printing, painting, or otherwise communicating certain valuable colours, in, upon, or to wool, hair, fur, silk, hemp, cotton, linen, skins, leather, paper, and wood, and to the several productions, manufactures, and substances composed of the same, within his Majesty's kingdom of* England, *dominion of* Wales, *and town of* Berwick upon Tweed, *for the term of fourteen years: and whereas, in consequence of an act of parliament made in the sixteenth year of the reign of his present Majesty,* (To prohibit all trade and intercourse with the colonies of *Newhampshire, Massachuset's Bay, Rhode Island, Connecticut, New York, New Jersey, Pensylvania,* the three lower counties on *Delaware, Maryland, Virginia, North Carolina, South Carolina,* and *Georgia,* and for other purposes therein mentioned), *and of the succeeding war, the said* Edward Bancroft *has been deprived of the benefit of the said letters patent: to the end therefore that the said* Edward Bancroft *may be restored to the full benefit of the said letters patent, and be enabled and encouraged to prosecute and complete his said invention, and that his property therein, and in his improvements thereof, may be secured, so that the publick may reap all the advantages to be derived therefrom, in their fullest extent; and the said* Edward Bancroft *may receive an adequate recompence for his study, labour, expence, and time; may it please your Majesty (at the humble petition of the said* Edward Bancroft) *that it may be enacted*; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, the sole privilege and advantage of making, using, exercising, and vending the said invention, mentioned in the said letters patent, with the additions and improvements since

Recital of his Majesty's letters patent, dated Oct. 23, 1775.

16 Geo. 3. c. 5.

The sole privilege of making and vending the invention vested in

ſince made therein, within that part of his Majeſty's kingdom of *Great Britain* called *England*, the dominion of *Wales*, and town of *Berwick upon Tweed*, ſhall be, and the ſame is hereby declared to be, veſted in the ſaid *Edward Bancroft*, his executors, adminiſtrators, and aſſigns, for and during the term of fourteen years from thenceforth next enſuing, and fully to be compleat and ended; and that he the ſaid *Edward Bancroft*, his executors, adminiſtrators, and aſſigns, and every of them, by himſelf or themſelves, or by his or their deputy or deputies, ſervants or agents, or ſuch others as he the ſaid *Edward Bancroft*, his executors, adminiſtrators, or aſſigns, ſhall at any time agree with, and no others, from time to time, and at all times during the term of years herein-before laſt mentioned, ſhall, and lawfully may, make, uſe, exerciſe, and vend the ſaid invention herein-before mentioned, with all and every the additions and improvements thereof, within that part of his Majeſty's kingdom of *Great Britain* called *England*, the dominion of *Wales*, and town of *Berwick upon Tweed*, in ſuch manner as to him the ſaid *Edward Bancroft*, his executors, adminiſtrators, and aſſigns, or any of them, ſhall, in his or their diſcretion, ſeem meet; and that the ſaid *Edward Bancroft*, his executors, adminiſtrators, and aſſigns, and every of them, ſhall and lawfully may have and enjoy the whole profit, benefit, commodity, and advantage, from time to time, coming, growing, accruing, and ariſing, by reaſon of the ſaid invention, for and during the ſaid term of fourteen years, herein-before laſt mentioned; to have, hold, exerciſe, and enjoy the ſaid privileges and authorities, and every part thereof, unto the ſaid *Edward Bancroft*, his executors, adminiſtrators, and aſſigns, for and during, and unto the full end and term of fourteen years, from the paſſing of this act as aforeſaid; and that no other perſon or perſons within that part of his Majeſty's kingdom of *Great Britain* called *England*, the dominion of *Wales*, and the town of *Berwick upon Tweed*, ſhall at any time, during the ſame term of fourteen years, either directly or indirectly, make, uſe, or put in practice the ſaid invention, or any part of the ſame, nor in anywiſe counterfeit, imitate, or reſemble the ſame; nor ſhall make, or cauſe to be made, any addition thereunto, or ſubſtraction from the ſame, whereby to pretend himſelf, herſelf, or themſelves, the inventor or inventors, deviſer or deviſors thereof, without the licence, conſent, or agreement of the ſaid *Edward Bancroft*, his executors, adminiſtrators, or aſſigns, in writing under his or their hand and ſeal, or hands and ſeals, firſt had and obtained, in that behalf, upon ſuch pains and penalties as can or may be juſtly inflicted on ſuch offender or offenders, for his, her, or their contempt of this act; and further to be anſwerable to the ſaid *Edward Bancroft*, his executors, adminiſtrators, and aſſigns, according to law, for his or their damages thereby occaſioned.

Edward Bancroft, his executors, etc. for 14 years.

Penalty on other perſons uſing the invention without licenſe, etc.

II. Provided always, and it is hereby declared, That nothing contained in this act ſhall extend, or be conſtrued to extend, to

This act not to hinder the prejudice [illegible] any in-

vention which is not the invention or application of Edward Bancroft, etc.

prejudice or hinder any person or persons from making or using any invention, which is not of the invention or application of the said *Edward Bancroft*, of using certain vegetables growing spontaneously in *North America*, as described in his Majesty's letters patent aforesaid, or which is not, or at the date of the said letters patent was not, a new invention, as to the publick use and exercise thereof within that part of his Majesty's kingdom of *Great Britain* called *England*, the dominion of *Wales*, and town of *Berwick upon Tweed*; and that every objection which might have been justly made to the said invention not being a new invention within the true intent and meaning of an act of the twenty-first of *James* the First, sufficient to invalidate letters patent, may be made in bar to any action brought by virtue or in consequence of this act.

If Edward Bancroft, etc. shall transfer the privilege of his invention to more than five persons, etc.

III. Provided also, That if the said *Edward Bancroft*, his executors, administrators, or assigns, or any person or persons who shall, at any time during the said term of fourteen years from the passing of this act, have or claim any right, title, or interest, in law or equity, of, in, or to the power, privilege, or authority of the sole use and benefit of the said invention, shall make any transfer or assignment, or pretended transfer or assignment, of the said liberty or privilege hereby granted to the said *Edward Bancroft*, his executors, administrators, and assigns; or any share or shares of the benefit or profits thereof, or shall declare any trusts thereof to or for any number of persons exceeding the number of five, or shall open, or cause to be opened, any book or books for publick subscriptions to be made, by any number of persons exceeding the number of five, in order to the raising of any sum or sums of money, under pretence of carrying on the said liberty or privilege hereby granted to the said *Edward Bancroft*, his executors, administrators, and assigns, or shall, by him or themselves, or his or their agents or servants, receive any sum or sums of money whatsoever of any number of persons exceeding in the whole the number of five, for such or the like intents or purposes, or shall presume to act as a corporate body, or shall divide the benefit of the liberty or privilege hereby granted to the said *Edward Bancroft*, his executors, administrators, and assigns, into any number of shares exceeding the number of five, or shall commit or do, or procure to be committed or done, any act, matter, or thing whatsoever, during such time as the said *Edward Bancroft*, his executors, administrators, or assigns, or any such person or persons shall have any such right, title, or interest, either in law or equity, which shall be contrary to the true intent and meaning of an act of parliament made in the fifth year of the reign of his late majesty King *George* the First, (intituled, *An act for the better securing certain powers and privileges intended to be granted by his Majesty, by two charters for assurance of ships and merchandizes at sea, and for lending money upon bottomry; and for restraining several extravagant and unwarrantable practices therein mentioned*); or in case the said power, privilege, or authority, shall at any time become

or shall do any thing contrary to the recited act,

6 Geo. 1. c. 18.

become vested in, or in trust for more than the number of five persons, or their representatives, at any one time, otherwise than by devise or succession, (reckoning executors and administrators as and for the single person whom they represent, as to such interest as they are or shall be intitled to in right of such their testator or intestate); that then, and in every of such cases, all liberties and advantages whatsoever, hereby granted and vested in the said *Edward Bancroft* his executors, administrators, and assigns, shall utterly cease, determine, and become void; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

then this act to become void.

IV. Provided also, and be it further enacted and declared by the authority aforesaid, That if the said *Edward Bancroft*, his executors, administrators, or assigns, or some one of them, shall not particularly describe and ascertain the nature of the said invention, in its present improved state, by an instrument under his hand and seal, and cause the same to be inrolled in the high court of chancery, within four calendar months after the passing of this act, that then all the liberties, powers, privileges, and advantages, hereby granted and vested in the said *Edward Bancroft*, his executors, administrators, and assigns, shall cease, determine, and be and become absolutely void; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

Edward Bancroft, etc. to cause a specification of the nature of his invention to be inrolled in chancery within four months; or to lose the benefit of this act.

V. And be it further enacted by the authority aforesaid, That this act shall be adjudged, deemed, and taken to be a publick act; and shall be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same.

Publick act.

CAP. XXXIX.

An act for the better preserving and maintaining the piers and harbour of Cromarty *in* North Britain.

WHEREAS Cromarty Bay *in* North Britain, *has, in all times been a most safe road stead to ships of all nations overtaken with storms, in any part of the* German *ocean; and the erection of a pier and harbour, has been judged beneficial to navigation in general, and to the commerce of that part of the united kingdoms in particular: and whereas* George Ross *of* Cromarty, *esquire, proprietor of the barony of* Cromarty, *and of the port and harbour, has given up, for the benefit of the publick, the ground and coast necessary to be occupied by the said harbour and pier; and his Majesty has been graciously pleased to grant the sum of five thousand pounds, out of the produce of the forfeited estates in* Scotland, *towards erecting the said harbour and pier: and whereas the main pier is erected, and one of the other piers, or jettees, to complcat the said harbour, is begun to be erected: and whereas the above sum of five thousand pounds not being sufficient for erecting and completing the said piers and harbour, the said* George Ross *has undertaken to complete the same at his own expence; but the said harbour and piers, of so great publick utility,*

cannot

cannot be maintained and preserved, without such tolls are levied as may be adequate to that purpose: and as the same cannot be effected without the aid and authority of parliament: may it therefore please your Majesty that it may be enacted, &c.

Sheriff depute for the counties of Ross and Cromarty, the provosts of Dingwall and Fortrose, and the baron baillie of Cromarty, to be trustees. From Aug. 1, 1785, trustees may collect the following tolls: For every boll of grain, consisting of 4 firlots, one halfpenny: for every boll of meal, one farthing: for every barrel of English coals, of three bushels, one halfpenny: for every ton of Scots coals, twenty hundred weight, 3d.: for every gross of quart bottles, 1d.: for each 100 bolls of lime, 1s. 6d.: for each boll of foreign salt, three farthings: for each boll of native salt, one halfpenny: for every 40 solid feet of wood in logs, 4d.: for each 1000 slates and pantiles, 6d.: for each 1000 bricks, 4d.: for each barrel of salmon, 1d. 1q.: for each 100 salmon kits, 1s. 8d.: for each barrel of herrings, three farthings: for each 100 barrel hoops, one halfpenny: for each 150 half barrel hoops, one halfpenny: for each 1000 Virginia barrel staves, 1s.: other goods according to value, 2 per cent.: for each barrel of goods, 1d.: for each small parcel, one halfpenny: for all empty casks, one fourth of what they pay when full. Anchorage duties: Vessels of 300 tons, 8s. ditto of 200, 7s. ditto of 150, 6s. ditto of 100, 5s. ditto of 75, 4s. ditto of 50, 3s. ditto of 30, 2s. ditto of 15, 1s. ditto of 6, 6d. under 6, 3d. Owners of vessels to permit them to be measured, on penalty of 5l. Collectors and other officers to be appointed. To prevent evading the payment of the rates and duties, not to enter or clear out, without receipt for duty. Duties to be paid. In case of refusal, to be levied by distress. Owners of vessels refusing to pay duties, to forfeit 5l. sterling. Trustees impowered to borrow 3000l. Rates, &c. to be applied to the repair of the works of the harbour. Obstructions to be removed. Goods not to remain on the piers more than forty-eight hours. Warehouses to be prepared for depositing goods. Gunpowder and other combustibles to be removed off the quays. Ships may be removed from one birth to another. Allowing ships in distress a preference. Throwing ballast, etc. into the harbour, 40s. penalty. Ballast, etc. to be removed off the quays. Masters of vessels answerable for damages done by their crews. Fish not to lye on the quays above forty-eight hours. Penalties and forfeitures above 5l. to be recovered by actions, and applied to the purposes of the act. For recovering penalties under 5l. before a justice. Penalties and forfeitures may be mitigated. Materials may be taken. Roads to be made to quarries for getting materials. Persons destroying the works, may be committed for twelve months. Bye-laws may be made. Saving the right to the ferry, etc. Act to commence Aug. 1, 1785, and to continue twenty-one years. Act may be pleaded in actions brought. Justices, etc. to assist in the execution of this act; which shall be deemed a publick one.

CAP. XL.

An act for more effectually preventing frauds and abuses committed by persons employed in the manufactures of combing wool, worsted yarn, and goods made from worsted, in the counties of Bedford, Huntingdon, Northampton, Leicester, Rutland, *and* Lincoln, *and the* Isle of Ely.

Preamble. Recital of acts 22 Geo. 2. c. 27;

WHEREAS, *by an act made in the twenty-second year of the reign of his late majesty King* George *the Second, intituled,* An act for the more effectual preventing of frauds and abuses committed by persons employed in the manufacture of hats, and in the woollen, linen, fustian, cotton, iron, leather, fur, hemp,

hemp, flax, mohair, and silk manufactures; and for preventing unlawful combinations of journeymen dyers, and journeymen hot pressers, and of all persons employed in the said several manufactures; and for the better payment of their wages; *and by another act, made in the fourteenth year of the reign of his present majesty King* George *the Third, intituled,* An act to amend an act, made in the twenty-second year of the reign of his late majesty King *George* the Second, intituled, *An act for the more effectual preventing of frauds and abuses committed by persons employed in the manufacture of hats, and in the woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair, and silk manufactures; and for preventing unlawful combinations of journeymen dyers, and journeymen hot pressers, and of all persons employed in the said several manufactures; and for the better payment of their wages: and by another act, made in the fifteenth year of the reign of his said present Majesty, intituled,* An act to explain and amend an act, made in the fourteenth year of his present Majesty, intituled, *An act to amend an act, made in the twenty-second year of the reign of his late majesty King* George *the Second, intituled,* "*An act for the more effectual preventing of frauds and abuses committed by persons employed in the manufacture of hats, and in the woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair, and silk manufactures; and for preventing unlawful combinations of journeymen dyers and journeymen hot pressers, and of all persons employed in the said several manufactures; and for the better payment of their wages;*" *certain penalties and punishments in the said acts respectively mentioned, are inflicted upon all persons who shall reel short or false yarn, and on persons embezzling the materials used in the said manufactures: and whereas the good purposes in the said laws have been greatly frustrated, from the manufacturers of combing wool, worsted yarn, and goods made from worsted, being unwilling to expose themselves singly to the loss attending the resentment of the spinners and work-people, by prosecuting them for offences against the said acts: and whereas this important branch of the woollen manufacture will be greatly prejudiced thereby, unless the manufacturers are enabled jointly to carry these laws into effectual execution; which cannot be done without the aid of parliament:* may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That a general meeting of the manufacturers of combing wool, worsted yarn, and goods made from worsted, in the counties of *Bedford, Huntingdon, Northampton, Leicester, Rutland,* and *Lincoln,* and the *Isle of Ely,* shall be held at *Kettering,* in the county of *Northampton,* upon the second *Tuesday* in the month of *August* next ensuing after the passing of this act, at the hour of eleven of the clock in the forenoon of the same day, notice of which shall be given in the *Northampton, Cambridge, Stamford,* and *Lincoln* newspapers, at least twenty-one days before the said meeting, by the clerk of the peace for the

14 Geo. 3. c. 44;

and 15 Geo. 3. c. 14.

General meeting of manufacturers appointed,

county of *Northampton*; at which said general meeting the said manufacturers present, by themselves or proxies appointed by writing under the hands of any such manufacturers, such proxies (if any) being also manufacturers, shall have votes; and having first chosen a chairman, the said manufacturers shall elect, nominate, and appoint eighteen persons from amongst themselves, in the manner and proportions following; *videlicet*, from the county of *Bedford* three; from the county of *Huntingdon* three; from the county of *Northampton* three; from the county of *Leicester* two; from the county of *Rutland* two; from the county of *Lincoln* three, *videlicet*, one from the parts of *Lindsey*, one from the parts of *Holland*, and one from the parts of *Kesteven*; and from the *Isle of Ely* two; which said eighteen persons, so to be elected, shall be a committee of the said manufacturers for the time being, and until another committee shall be chosen and appointed in the manner herein-after provided, and so as often as there shall be occasion; which committee are hereby authorised and impowered to nominate and recommend proper persons for the said counties, and the said *Isle of Ely* respectively, to be licensed by the justices of the peace of the said counties, and the said *Isle of Ely* respectively, at any of their quarter sessions, or any adjournment thereof, or if no adjournment, then by two justices of the peace for any of the said counties, and the said *Isle of Ely*, to be inspectors for the purposes herein-after mentioned; and the said committee shall also have the direction of all prosecutions of offenders against this and the said before-mentioned acts, and the management of the fund or funds herein-after to be created, and shall have power to do all other matters and things which may be deemed necessary and proper for carrying this act into execution, in such manner as the said committee of the manufacturers for the time being, or the majority of them, at a quarterly meeting to be assembled, shall judge and think best for the interest and advantage of all the said manufacturers in the said counties of *Bedford*, *Huntingdon*, *Northampton*, *Leicester*, *Rutland*, and *Lincoln*, and the *Isle of Ely*.

who are to chuse a committee.

Powers of the committee.

Committee to appoint a clerk;

II. And be it further enacted, That it shall be lawful for the said committee, or the majority of them, at any quarterly meeting assembled, and they are hereby authorised and required, from time to time, to nominate and appoint, by writing under their hands, a proper person or persons to be their clerk or clerks for the several counties before mentioned, and the *Isle of Ely*; which said clerk or clerks shall attend the meetings of the said committee, and shall, in proper books to be provided for that purpose, enter and keep true and perfect accounts of all the acts, proceedings, and transactions of the said committee; and that each and every of the said manufacturers shall and may, at all convenient times, have recourse to and peruse and inspect all such books *gratis*, and may demand and have copies thereof, or of any part thereof, paying two-pence for every one hundred words so to be copied; and if any such

his duty.

such clerk shall refuse to permit any such manufacturer to inspect any such book, or refuse to make copies or extracts thereof, at the rate or times aforesaid, he shall, for every such offence; forfeit the sum of five pounds, to be recovered in such manner as any other penalties inflicted by this act are directed to be recovered.

Quarterly meetings appointed.

III. And be it further enacted, That for the purposes aforesaid a meeting of the said committee for the time being shall be held four times in every year, (that is to say), on the *Monday* before *Midsummer-day*, the *Monday* before *Michaelmas-day*, the *Monday* before the *Epiphany*, and the *Monday* before *Easter-day*, at eleven of the clock in the forenoon of each and every of the said days, in any of the counties before-mentioned, which the said committee shall think the most convenient place for transacting the business; and the committee at such quarterly meetings shall have power to adjourn themselves from time to time, as occasion may require; the first of which said quarterly meetings shall be held on the first of the said days on which the said quarterly meetings are herein-before appointed to be held, which shall first happen after the election of such committee for the several counties before mentioned, and the said *Isle of Ely*, and at such place as shall be fixed and agreed upon by such committee after their election; and at such first quarterly meeting, and every subsequent quarterly meeting, of such committee for the time being, a chairman for each of such quarterly meetings shall be chosen, and the place at which the then next quarterly meeting shall be held shall be fixed upon and appointed by the majority of such committee then assembled, and the chairman of such committee is hereby required to cause fourteen days notice to be given of the time and place of the next following quarterly meeting of such committee, in the *Northampton*, *Cambridge*, *Stamford*, and *Lincoln* newspapers; and all matters or things that shall come before such committee for their determination shall be determined by a majority of votes of the members of such committee there present; and if there shall be an equality of votes upon any question which shall come before the said committee, then the chairman shall have a casting vote, by which vote such question in dispute shall be determined.

Chairman to be chosen.

Questions to be determined by a majority.

No business to be done at quarterly meetings, unless seven members are present.

IV. Provided nevertheless, That in case, at any such quarterly meetings, there shall not be present and assembled seven of the persons constituting such committee, then and in such case it is hereby declared, that no business whatsoever shall be done at such meeting, and the majority of the persons then present shall cause fourteen days notice to be given in the *Northampton*, *Cambridge*, *Stamford*, and *Lincoln* weekly newspapers, of the then next ensuing quarterly meeting.

After two years, half-yearly meetings only may be holden.

V. Provided also, That if, at any time after the expiration of two years from the passing of this act, the said committee shall judge it sufficient for the purposes of this act to meet half-yearly only, instead of quarterly, that then the said committee

shall not afterwards be obliged to hold their meetings oftener than twice in every year, which meetings shall be holden upon the *Monday* before *Michaelmas-day*, and the *Monday* before *Easter day*; and the committee at every such half-yearly meeting shall be subject to the like regulations and directions, and shall have the like powers and authorities, in all respects, as are in this act mentioned or contained with respect to the said quarterly meetings; any thing herein-before contained to the contrary hereof notwithstanding.

Three committee men may call a special meeting.

VI. And be it further enacted, That if at any time it shall appear to any three or more of such committee for the time being, that, for the more effectual putting any of the powers granted by this act into execution, or for settling or discussing any matters or things whatsoever relative to the same, a special meeting of such committee is necessary or expedient to be held, it shall be lawful for the said three or more of the said committee for the time being to direct the clerk to give notice of such special meeting of the committee to every member thereof, setting forth the place where, and the time when, such special meeting shall be appointed to be held; and in case there shall be then present at such special meeting seven of the said committee, it shall be lawful for the said committee, so present, to proceed in the execution of the powers given by this act to such committee.

New committee men to be chosen upon vacancies.

VII. And be it further enacted, That in case any one or more of the said committee for the time being shall die, or shall decline business as a manufacturer or manufacturers, or shall go to reside in any county not subject to the regulations of this act, or shall wilfully absent himself or themselves from the said quarterly meetings, for the space of one year, or refuse to act, then and in such case it shall and may be lawful to and for the said committee for the time being, at any of their said quarterly meetings, there being seven of such committee then present, to chuse another or other proper person or persons, being a manufacturer or manufacturers of combing wool, worsted yarn, or goods made from worsted, in his or their place or places, who shall have the same power and authority as if appointed at a general meeting.

If committee neglect their duty,

VIII. And be it further enacted by the authority aforesaid, That if, at any time hereafter it shall appear to any sixty or more of the manufacturers of combing wool, worsted yarn, or goods made from worsted, within the said counties of *Bedford*, *Huntingdon*, *Northampton*, *Leicester*, *Rutland*, and *Lincoln*, and the *Isle of Ely*, that the said committee for the time being neglect to discharge their duty, to the ends, intents, and purposes for which such committee was appointed; and in case such sixty or more of such manufacturers, so dissatisfied, shall, in writing under their hands, make complaint thereof to the justices of the peace for the county of *Northampton*, in any of the general or quarter sessions of the peace, or in any adjournment thereof, for the aforesaid county, to be held and assembled, then and in such

justices may, on complaint thereof, call a general meeting.

such case it shall be lawful for such justices, in such sessions assembled, and they are hereby required (if they shall think proper, after hearing the nature of such complaint) to call and appoint a general meeting of the manufacturers of combing wool, worsted yarn, and goods made from worsted, within the aforesaid counties, and the *Isle of Ely*, at such time and place as such justices shall think proper, and shall also cause notice to be given of such general meeting of such manufacturers as aforesaid, in the *Northampton*, *Cambridge*, *Stamford*, and *Lincoln* newspapers, setting forth the place where, and the time when, such general meeting shall he held, the same not being less than twenty-one days after such notice given in the said papers, and which notice shall be continued in the said papers until such meeting shall be held; and it shall be lawful for such manufacturers, then present at such general meeting, called and held in manner aforesaid, to elect, nominate, and appoint a committee, consisting of the same number of persons, and in the like manner, and under and subject to the like orders, regulations, and directions as is and are herein-before laid down and ordered for the election of the first committee; and the persons so elected, nominated, and appointed to be a new committee in manner aforesaid, shall thereupon be invested with the same powers and authorities as the former committee were invested with.

Justices to appoint inspectors of yarn.

IX. *And, for preventing frauds and abuses for the future by persons employed in the said manufactures of combing wool, worsted yarn, and goods made from worsted, and for the more effectual carrying this act into execution*, be it further enacted, That the justices of the peace for the said counties, and the *Isle of Ely* respectively, at their next quarter sessions of the peace to be holden for the said counties, and the said *Isle of Ely* respectively, or any adjournment thereof, after *Michaelmas* next after the passing of this act, or in case of no adjournment, then any two justices shall and may, and they are hereby authorised and required to license and appoint such persons of good character and repute, within the aforesaid counties, and the *Isle of Ely*, as shall be recommended to the said justices by the said committee of manufacturers, in writing under their hands, to be inspectors of worsted yarn within the said counties, and the *Isle of Ely*.

Committee station inspectors, and allow them salaries.

X. And be it further enacted, That the said committee of manufacturers for the time being shall and may, and they are hereby authorised to station such inspectors for such districts in the said counties, and the *Isle of Ely*, as the said committee shall think proper, and shall and may assign, allow, and pay to the said inspectors so appointed, such yearly salaries as the said committee shall think proper, to be paid out of the fund herein-after mentioned to be raised for that and the other purposes of this act, and also shall and may remove, dismiss, and displace any of such inspectors, who by sickness, or any other accident, shall be rendered incapable of serving the said office, or shall misbehave, or not conduct himself or themselves to the satisfaction of such committee.

Inspectors to use diligence in convicting and bringing offenders to justice:

XI. And be it further enacted, That the said inspectors for the time being, so appointed, shall severally and respectively, in the several districts allotted to them by the said committee, use all due diligence and industry for the convicting and bringing to justice all offenders against this and the said former acts, and also shall and do from time to time, and as often as they shall be thereto required by the said committee, inspect the several reels of all and every the spinners of worsted yarn in their several and respective districts within the said counties, and the *Isle of Ely*, and also the hanks of worsted yarn, in order to see that the directions herein-after laid down for reeling such yarn be complied with; and also shall and do, from time to time, when and as they, or any of them, shall detect any person or persons offending against this, or the said former acts, lodge informations against such offender or offenders before any justice or justices of the peace for the county or place where such offence shall be committed, and prosecute such offender or offenders to conviction: and it shall be lawful for every such inspector, from time to time, as occasion shall require, to inspect the yarn in the custody of any manufacturer or putter-out of wool, or of any agent or agents hired or employed by him, or of any spinner of such wool or worsted yarn, within the said counties, and the *Isle of Ely*; and in case any such person shall refuse to shew and produce the yarn in his custody, he shall forfeit and pay such sum of money, not exceeding ten pounds, nor less than five pounds, if a manufacturer or putter-out of wool, or an agent or agents, or person or persons hired or employed to put out wool; and if a spinner or spinners, then a sum not exceeding twenty shillings, nor less than five shillings, as such justice or justices before whom he, she, or they shall be convicted, shall think proper, to be recovered and applied as herein-after mentioned.

their power.

Directions how worsted yarn shall be reeled.

XII. And be it further enacted, That every person or persons employed or undertaking to spin or reel worsted yarn for hire in the said counties, and the *Isle of Ely*, shall reel, or cause or procure the same to be reeled, either upon a yard reel of thirty-six inches, or a seven quarter reel of sixty-three inches, or a two yard reel of seventy-two inches round; and when such worsted yarn shall be so reeled, each and every several hank or skain of such worsted yarn which shall be so reeled shall consist of or contain such a number of raps or leas, each and every of which raps or leas consisting of or containing eighty threads of such worsted yarn, as is herein-after specified; (that is to say,) the worsted yarn spun in the county of *Bedford* shall be six or seven leas reeled on the yard reel, and six leas reeled on the seven quarter reel, and six leas reeled on the eight quarter, or two yard reel, according to the custom of that county: the worsted yarn spun in the county of *Huntingdon* shall be six or seven leas reeled upon the yard reel, and six leas reeled on the seven quarter reel, and six leas reeled on the eight quarter, or two yard reel, according to the custom of that county: the worsted yarn spun in the county of *Northampton* shall

Bedfordshire.

Huntingdonshire.

Northamptonshire.

shall be six or seven leas to the skain, reeled on the yard reel, according to the custom of that county: the worsted yarn spun in the county of *Leicester* shall be six or seven leas reeled upon the yard reel, according to the custom of that county: the worsted yarn spun in the county of *Rutland* shall be six or seven leas reeled upon the yard reel, according to the custom of that county: the worsted yarn spun in the county of *Lincoln* shall be seven leas, reeled upon the yard reel, or two yard reel: and the worsted yard spun in the *Isle of Ely* shall be seven leas reeled upon the yard reel, and six leas reeled on the seven quarter reel, and six leas reeled on the eight quarter, or two yard reel. Leicestershire. Rutlandshire. Lincolnshire. Isle of Ely.

XIII. And be it further enacted, That all persons employed to put out wool for spinning, shall confine themselves either to six or seven lead yarn, but shall by no means put out both from the same place, nor shall any such person or persons take in, or have in his possession at one or the same time, the wool or yarn belonging to more than one manufacturer; and that every person or persons who shall put out wool, or take in yarn, otherwise than as above specified, shall pay forty shillings, upon conviction of such offence by the oath (or, if the witness be of the people called *Quakers*, solemn affirmation) of one witness, which penalty shall be paid into the hands of the nearest inspector, and shall be levied by warrant under the hand and seal of the justice before whom such offender shall be convicted, for the benefit of the persons interested in the fund herein-after directed to be established; and that the said committee may and shall give instructions to the spinners, or agents employed to put out wool for spinning, that every hank or skain shall be the work of one spinner only; and that if any person shall be suspected of having mixed the work of two or more spinners in one hank, and it shall be made appear before one justice of the peace, by the oath (or, if the inspector is of the people called *Quakers*, by the solemn affirmation) of the inspector, that in his opinion the suspected hank or hanks is or are of such different degrees of fineness as will be prejudicial to the said manufacturers, then, and in such case, it shall be lawful for the said justice to convict the person who shall have delivered in the said hank or hanks of having mixed the same as aforesaid, and such person, for every such hank, shall forfeit the sum of sixpence; and if a pound of yarn, more or less, be wrapt about with a skain of yarn, it shall be equal in goodness, and contain the same number of leas as the hanks in the pound or pounds are directed to be; and that the leas be divided in manner following; (that is to say,) three double leas and a single lea for the seven leas, and three double leas for the six lead yarn: provided always, That every spinner to whom any wool or yarn shall be put out by any manufacturer, who shall keep the same in his or her custody more than four months before it is wrought or delivered back to such manufacturer, or his agent, shall be deemed guilty of embezzling the same. General regulations for putting out wool for spinning,

XIV. And be it further enacted, That if any person or per-

Penalties on falſe reeling of worſted yarn.

ſons, hired or employed in the combing of wool, or in the ſpinning, reeling, winding, or weaving of worſted yarn, or in the preparing or working up any of the materials uſed in the ſaid manufactures, in the ſaid counties, or the *Iſle of Ely*, ſhall reel, or cauſe to be reeled, or tie up, or cauſe to be tied up, any worſted yarn, contrary to the directions before ſpecified and laid down for the reeling and tying up ſuch yarn, or ſhall conceal, keep back, embezzle, ſell, or otherwiſe diſpoſe of any wool, or other materials intruſted with him, her, or them, to ſpin, or for other purpoſes, and ſhall of all or any of ſuch ſeveral offences be lawfully convicted, before any one or more juſtice or juſtices of the peace for the county, liberty, diviſion, city, town, or place, where ſuch offence or offences ſhall be committed, upon the oath (or, if the owner thereof be of the people called *Quakers*, ſolemn affirmation) of the owner of ſuch yarn or wool, or upon the oath or affirmation as aforeſaid of the inſpector or inſpectors appointed as aforeſaid, or of any one or more credible witneſs or witneſſes, (which oath or affirmation ſuch juſtice or juſtices is and are hereby impowered and required to adminiſter,) or by the confeſſion of the perſon or perſons charged with all or any of ſuch offences, every ſuch perſon ſhall, for each and every ſuch offence, be ſubject and liable to the ſame penalties and puniſhments as are ſeverally inflicted by the ſaid former acts, ſo far as the ſaid former acts, or any of them, are unrepealed; all which penalties ſhall be recovered, and puniſhments inflicted, in the manner directed by the ſaid acts, or any of them, and which ſaid penalties ſhall be publickly diſtributed, by the conſtable of the townſhip, pariſh, or place, where ſuch offence or offences ſhall be committed, in the preſence and under the direction of the ſaid inſpector or inſpectors, amongſt the poor of ſuch townſhip, pariſh, or place.

Proſecutors not liable to charges of conveying offenders to priſon.

XV. Provided always, That nothing in this act contained ſhall extend, or be conſtrued to extend, to the ſubjecting any proſecutor or proſecutors of any offender or offenders againſt this, and the ſaid former acts, to any charges or expences of conveying ſuch offender or offenders to priſon; but ſuch charges and expences ſhall be paid and borne by the conſtable or other officer conveying ſuch offender or offenders to priſon, and ſuch conſtable or other officer ſhall be reimburſed and repaid ſuch charges and expences, in like manner as he is reimburſed and repaid any other charges or expences incurred in his ſaid office.

No part of penalties to be given to offenders or their families.

XVI. Provided nevertheleſs, That no part or ſhare of ſuch penalties or forfeitures be given to ſuch offender or offenders, his, her, or their family or families.

Penalty on agents refuſing to diſcover perſons

XVII. And be it further enacted, That if any agent or perſon hired or employed to put out wool to be ſpun into worſted yarn, ſhall have in his or her cuſtody or poſſeſſion any worſted yarn not reeled according to the directions herein-before ſpecified and laid down for the reeling thereof, and ſhall refuſe, or not

not set forth and give in evidence, before any of his Majesty's justices of the peace for the county, liberty, division, city, town, or place, wherein such agent or person shall reside, being thereto required, what person or persons was or were the reeler or reelers of such false or short yarn, or who was or were hired or employed to reel the same, so that the person or persons who reeled or caused to be reeled such false or short yarn may be lawfully convicted thereof in manner aforesaid, he, she, or they, so refusing, or not setting forth, or giving in evidence as aforesaid, and being thereof lawfully convicted, upon the oath of any person or persons, before any such justice or justices of the peace, shall forfeit and pay the sum of five shillings for every parcel of yarn made up as and for a pound, so false and short reeled, which shall be found in his or her custody; all which penalties, inflicted by this act, shall be recovered in the same manner as the penalties inflicted by the said former acts are directed to be recovered, and shall go, be paid, and applied by every such person, and in such manner and form, to the poor of the township or place, as the penalties herein-before mentioned are directed to be paid and applied.

guilty of false reeling.

XVIII. *And forasmuch as doubts have arisen, whether the goods and chattels of a husband, whose wife shall offend against the said former acts, are liable to distress and sale for raising the penalties thereby created*; be it therefore further enacted, That, from and after the passing this act, all such penalties as shall be incurred by any married woman or married women shall and may be recovered, levied, and raised, by distress and sale of the goods and chattels of the husband or husbands of such married woman or women so offending against this act, in the manner directed by the said former acts, or any of them.

Goods of husbands, whose wives offend, liable to distress and sale.

XIX. Provided always, and be it further enacted, That if any person who shall be so appointed an inspector of worsted yarn shall happen to die, or shall be removed or displaced from his said office, it shall be lawful for the justices of the peace of the said counties, or the *Isle of Ely* respectively, in quarter sessions assembled, or in any adjournment thereof, to license some other proper person or persons to be an inspector or inspectors of worsted yarn within the said counties, and the *Isle of Ely*, upon the recommendation of the committee men, or the majority of them, residing in such county, or the *Isle of Ely*, within which the inspector or inspectors, so dying, removed, or displaced, shall have acted; which said person or persons shall be invested with all the powers, and subject to the like removal, and liable to the like penalties for any breach or neglect of duty, as the inspector or inspectors in whose place or places he or they shall be appointed to succeed, was or were invested with, or subject or liable to.

Upon the death of inspectors, others to be appointed.

XX. And be it further enacted, That in case any inspector or inspectors, so appointed as aforesaid, shall at any time or times hereafter take or receive, from any person or persons offending against this or the said former acts, any sum or sums of money,

Punishment of inspectors screening offenders from justice.

money, or any other thing whatsoever, to screen from justice, or otherwise to hinder or prevent such person or persons, so offending as aforesaid, from being convicted for such offence or offences, and being thereof convicted upon oath (or, if the witness be of the people called *Quakers*, solemn affirmation) of two or more credible witnesses, before any one or more justice or justices of the peace of the county, liberty, division, city, town, or place where such offence shall be committed (which oath or affirmation such justice or justices is and are hereby impowered to administer), then, and in such case, it shall be lawful for such justice or justices of the peace to commit such inspector or inspectors, so offending, to the house of correction, or other publick prison, in the county, division, liberty, city, town, or place, where such offence shall be committed, for the space of one month.

Fund to be established for defraying the expences of the execution of this act.

XXI. *And whereas, by several acts of parliament made in the tenth and twelfth years of the reign of Queen* Anne, *and several subsequent acts, the collectors of the duties upon soap, by the said acts granted, are directed to pay out of the monies in their hands, by way of drawback, unto any person or persons who should employ any quantity of soap in the making of any manufacture whereof the greatest part of the value of the materials should be wool, or in preparing the wool for the same, the duties upon the soap so spent and consumed as aforesaid; and to the end that a sufficient fund may be raised for defraying the expences in and about obtaining this act, and for paying the salaries of the inspectors, and clerk or clerks to be appointed under and by virtue and for the purposes of this act, as aforesaid, and all other necessary expences attending the carrying this act into execution, under the direction of the said committee,* be it further enacted, That it shall and may be lawful to and for all and every the collector or collectors, supervisor or supervisors, or other person or persons employed in the collection of the duties on soap within the counties aforesaid, and the said *Isle of Ely*, and who by the said acts are directed to pay such drawback of the duties on soap to such manufacturers as aforesaid, and such collector or collectors, supervisor or supervisors, or other person or persons, is and are hereby required from time to time to deduct and retain the sum of four-pence out of every shilling, to which any person, being a master manufacturer of combing wool, worsted yarn, or goods made from worsted, residing within the counties aforesaid, or the *Isle of Ely*, shall from time to time hereafter be entitled, and of which he, she, or they shall demand payment under or by virtue of the said acts, or any other act or acts of parliament whatsoever, as and for the duties of and for all soap spent, employed, and consumed in the combing of wool, making of worsted yarn, or any kind of goods made from worsted, or preparing the wool for the same, in the said counties, and the *Isle of Ely*; and such collector or collectors, supervisor or supervisors, or other person or persons, and each and every of them, shall severally and respectively pay, or cause to be paid, into the hands of the treasurer or treasurers appointed

appointed by the said committee, at their quarterly meeting (demand being made thereof), all and every the sum or sums of money by him, them, or any of them, so deducted, retained, had, or received, under and by virtue, and for the purposes of this act, such treasurer or treasurers giving security, to the satisfaction of the said committee, for all sums so received by him or them.

Drawback on soap used in the stocking manufacture in Leicestershire exempt from the deduction.

XXII. Provided nevertheless, That the drawback of the duties on all soap which shall be spent, employed, or consumed within the said county of *Leicester*, in preparing and combing of wool, and making of worsted yarn, used in the stocking-weaving manufacture, and in fitting wove stockings for sale, shall, upon oath, (or, if the person be of the people called *Quakers*, solemn affirmation) being first made, that the soap was spent, employed, and consumed in the said stocking-weaving manufactory, be entirely exempted from the above-mentioned deduction; which oath or affirmation any justice of the peace is hereby impowered to administer.

Power to repay manufacturers of haroteens in Northamptonshire part of the money paid out of their drawbacks.

XXIII. Provided also, That the said committee may and shall repay all manufacturers of haroteens that make their own yarn, within the county of *Northampton*, whose rate of spinning does not exceed ten skains or hanks in a pound on the average, six leas to the hank or skain on the yard reel, half of the money which shall have by them been paid out of their drawback on soap the preceding year, such manufacturers certifying the same to the said committee on oath (or, if the person be of the people called *Quakers*, solemn affirmation), which oath or affirmation any justice of the peace is hereby impowered to administer; but if a manufacturer makes any other sort of goods besides haroteens, or any other sort of yarn besides that which is used in the manufacturing of haroteens, he shall be subject to the same drawback or deduction, out of his drawback, as any other maker of worsted yarn.

The treasurers to repay the charges of this act out of monies to be received.

XXIV. And be it further enacted, That the said treasurer or treasurers for the time being shall, out of the money hereafter to be received by him or them in manner aforesaid, pay the charges and expences of obtaining and passing this act, and the expences relative thereto, together with interest for all or any part of such expences, the salaries of the inspectors and clerk herein-before directed to be appointed, the expences of all prosecutions in support of this, and the said former acts, and such other charges and expences as may be hereafter incurred or expended for the support and encouragement of the said manufacture, as the said committee, in committee assembled, shall, by writing under their hands, direct or appoint; and the said treasurer or treasurers is or are also hereby required not to pay any sum or sums of money, to be hereafter received by him or them for the purposes of this act, in manner aforesaid, to any person or persons whomsoever, or for any purposes whatsoever, without such order, direction, or appointment in writing, under the hands of such committee for the time being, in committee assembled;

assembled; and such treasurer or treasurers shall lay their account before the said committee for examination whenever they may require the same, and shall return and transmit to such committee a true and perfect account of all and every the sum or sums of money which shall have come to his or their hands, or been paid by him or them, from time to time, as often as the said committee shall require the same.

The rate of 4d. in the shilling may be increased or reduced.

XXV. And it is hereby further enacted, That in case, at any time hereafter, the monies herein-before directed and ordered to be paid into the hands of the treasurer or treasurers for the purposes aforesaid, shall, after payment of all and every the charges and expences herein-before ordered and directed to be paid thereout, amount to the sum of two hundred pounds only, then, and in such case, it shall be lawful for the said committee, by writing under their hands, to make orders for increasing the aforesaid four-pence *per* shilling, which the collectors and supervisors of excise are herein-before directed to retain in their hands, to any sum not exceeding sixpence in the shilling, as they may think necessary, until the fund shall amount to five hundred pounds; and from time to time, upon like application, reduce the same to three-pence, two-pence, or one penny, so as the fund in the treasurer or treasurers' hands shall not exceed five hundred pounds, nor be reduced to less than two hundred pounds, and so as the same shall not exceed the rate, proportion, or sum of sixpence *per* shilling, herein-before directed to be deducted and retained as aforesaid.

Water mill spinning machines not to be subject to the provisions of the act.

XXVI. *And whereas it is found inconvenient to subject certain machines, wherein worsted yarn is spun by means of a water mill, to the entrance of an inspector or inspectors*; be it therefore enacted, That all such machines shall be exempted from the several provisions of this act, and that no order of any of the aforesaid committees shall have power to extend to the drawback allowed on soap used in the washing of wool to be spun in the said machines: provided that all persons possessed of any such machines, who shall also give out wool to be spun by hand, shall cause the wool intended for spinning by hand to be washed in some place or places different and distant from that whereat they shall wash the wool for any such machine, and shall from time to time exhibit to the collectors or supervisors of his Majesty's excise, and to the committee aforesaid, if required, a separate account of the wool washed in each place, and intended for each purpose herein mentioned, which account shall be verified upon oath (or, if the owner or owners be of the people called *Quakers*, solemn affirmation) of the owner or owners, conductor or conductors of such machines, which oath or affirmation any justice of the peace is hereby impowered to administer.

Members of the committee within each county, or the Isle of Ely, may ap-

XXVII. Provided always, and be it further enacted, That it shall be lawful for such of the members of the said committee as shall be appointed for, or reside within any of the said counties respectively, or the said *Isle of Ely*, or the majority of them, and they are hereby respectively authorised and impowered from time

time to time, whenever they shall judge necessary, to appoint such number of persons to be additional inspectors within and for their respective counties, or the *Isle of Ely* (the charges and expences attending such appointment to be paid and defrayed out of the money subscribed or to be subscribed, as herein-after mentioned), and also to make such regulations, and do such acts, matters, and things, as they shall think proper for carrying the purposes of this act into execution within, and so far only as relates to their respective counties, or the said *Isle of Ely* (except the removing of inspectors to be nominated by the said committee); and all such additional inspectors so to be appointed (being approved of by the justices of the peace for such respective counties, or the *Isle of Ely*, but not otherwise), shall have the same powers and authorities of acting as inspectors within such respective counties, or the *Isle of Ely*, for or in respect of which they shall be appointed, as are herein-before given to the inspectors which shall have been nominated by the said committee in pursuance of this act; and that all such regulations, acts, matters, and things, so to be made as aforesaid, shall be as valid and effectual as if the same had been made or done by the said committee, until the next quarterly meeting of the said committee, at which quarterly meeting a report shall be made of such regulations, acts, matters, and things, and the said committee, at such quarterly meeting, shall, and are hereby required to take such report into consideration, and to allow and confirm, or disallow and set aside, or to vary and alter such report, and the several regulations, acts, matters, and things, therein mentioned, or any part or parts thereof, in such manner as they shall think proper, any thing in this act to the contrary hereof notwithstanding: provided, that nothing herein contained shall extend, or be construed to extend, to the appointment of any additional inspectors, or to any regulation, act, matter, or thing, to be made by such members of the said committee as shall be appointed for any of the said counties respectively, or the said *Isle of Ely*, or the majority of them, in respect to the management of the private subscription fund within any such county, or the *Isle of Ely*, as herein-after mentioned.

Power to appoint additional inspectors, and make regulations.

XXVIII. *And whereas some persons who are not manufacturers of combing wool, worsted yarn, and goods made from worsted, may have already subscribed, or may hereafter subscribe money for encouraging the said manufacture within their respective counties, or within the said* Isle of Ely, be it therefore enacted, That all money which hath been or shall hereafter be subscribed by any person or persons, not being a manufacturer or manufacturers as aforesaid, for or towards encouraging the said manufacture within any of the said counties, or the said *Isle of Ely*, shall be paid to such person as shall be appointed to receive the same, by such of the members of the said committee as shall be appointed for, or reside within such county, or the said *Isle of Ely*; and it shall be lawful for such members of the said committee, so acting for, or residing within such county, or the *Isle of Ely*, and they

Application of money subscribed by persons not being manufacturers.

they are hereby authorised and impowered to apply and dispose of such money in paying and making proper salaries or allowances to any additional inspectors whom they may think fit to appoint as aforesaid, for such county, or the *Isle of Ely*, and for encouraging the said manufacture within such county, or the said *Isle of Ely*, in such manner as they shall, from time to time, think proper, and to or for no other use or purpose whatsoever; any thing herein-before contained to the contrary hereof notwithstanding.

Justices for southern division of Lindsey to act for Lincolnshire.

XXIX. *And whereas the county of* Lincoln *consists of three several parts or divisions*; (videlicet), Lindsey, Holland, *and* Kesteven, be it therefore enacted, That the several powers vested in and by this act in the justices of the peace for the respective counties included in this act, shall be construed and taken, as to the said county of *Lincoln*, and the city and county of the city of *Lincoln*, to be vested in the justices of the peace for the southern division of the parts of *Lindsey*, within the said county.

XXX. And be it further enacted, That the justice or justices before whom any offender shall be convicted as aforesaid, shall cause the conviction to be made out in manner and form following; (that is to say),

Form of conviction.

BE *it remembered, That on the day of in the year of our Lord* A. B. *is convicted before me* [or *us*] *of his Majesty's justices of the peace for* [specifying the offence, and the place where the same was committed; and also specifying that it was the *first*, *second*, or *third offence*, *against this act*, as the case shall be].

Given under my hand and seal, [or *our hands and seals*], *the day and year aforesaid.*

Which conviction the said justice or justices shall cause to be fairly written on parchment, and returned to the next general quarter sessions of the peace for the county, city, liberty, division, town, or place, where such conviction shall be made, to be filed by the clerk of the peace, and remain and be kept amongst the records of such county, city, liberty, division, town, or place as aforesaid.

Persons aggrieved may appeal to the quarter sessions.

XXXI. And be it further enacted, That if any person or persons shall find him, her, or themselves aggrieved by any order or warrant made by any justice or justices of the peace, or upon any conviction before him or them, in pursuance of this act, such person or persons may appeal to the next general quarter sessions to be held for the county, division, city, liberty, town, or place, where the offence shall be committed, which shall not be held within fourteen days after the cause of appeal shall arise, giving ten days notice of such appeal to the person or persons discovering the offence on which the conviction was made; and if the justices at the said quarter sessions either confirm or dis-

annul

annul the order or proceedings of the said justice or justices, they shall allow such costs and charges to the party aggrieved thereby as they shall think reasonable, to be levied and paid in such manner as is usual in cases of appeal from any order of the justices of the peace to the sessions, whose order therein shall be final.

Persons appealing to give security to prosecute.

XXXII. Provided nevertheless, That the person or persons appealing to such quarter sessions of the peace as aforesaid shall give security, to the satisfaction of the said justice or justices, to prosecute such appeal with effect, and to pay the costs which shall be ascertained by the said quarter sessions, in case such order or judgement be affirmed; and the justices in the said quarter sessions are hereby authorised to hear and determine such appeal, and to make such order therein, and to award such costs, as to them shall appear just; which order shall be final and conclusive to all parties, and shall not be removed or removeable, by any writ of *certiorari*, or otherwise, into any of his Majesty's courts of record at *Westminster*, or elsewhere.

Orders to be final.

Proviso.

XXXIII. Provided nevertheless, and be it further enacted, That no order or other proceedings so made or had by or before any justice or justices of the peace, in relation to the premises, shall be quashed or vacated for want of form only.

Limitation of actions.

XXXIV. And be it further enacted, That if any suit or action shall be commenced or prosecuted against any person or persons, for any thing done in pursuance of this act, every such suit or action shall be commenced within six calendar months next after the fact committed, and not afterwards, and shall be severally laid, brought, and tried in the county or place wherein the cause of action shall have arisen, and not elsewhere; and the defendant or defendants in every such suit or action shall and may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon, and that the same was done in pursuance of, and by the authority of this act: and if it shall appear to be so done, or if any such suit or action shall be brought after the time before limited for bringing the same, or shall be brought in any other county or place than as aforesaid, then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action after the defendant or defendants shall have appeared, or if upon demurrer judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have for costs in other cases at law.

General issue.

Treble costs.

City of Lincoln to be deemed part of the county.

XXXV. And be it further enacted, That the city and county of the city of *Lincoln* shall, for the purposes of this act only, be deemed and taken to be part of the county of *Lincoln*, and to be within the parts of *Lindsey*, in the said county.

Publick act.

XXXVI. And be it further enacted, That this act shall be deemed, adjudged, and taken to be a publick act; and shall be judicially

judicially taken notice of as ſuch by all judges, juſtices, and other perſons whomſoever, without ſpecially pleading the ſame.

CAP. XLI.

An act to repeal part of an act, paſſed in the ſixth year of his preſent Majeſty, "for the relief and employment of the poor of the pariſh of Richmond, in the county of Surrey, and other purpoſes in the ſaid act mentioned;" and for making new proviſions for the relief and employment of the poor, for the repairs of the highways, the paving, cleanſing, lighting, and watching the ſtreets, and other places, in the town and pariſh of Richmond aforeſaid; for the removal and prevention of annoyances, obſtructions, and encroachments therein; for incloſing certain commons or waſte lands within the ſaid pariſh, for the uſe of the poor; and to enable the veſtrymen of the ſaid pariſh to erect a workhouſe thereon; and to purchaſe land for a burial ground; and alſo to enable his Majeſty to ſhut up a lane within the ſaid pariſh, called Love Lane.

Act 6 Geo. 3. c. 72. recited; ſo much thereof as relates to the relief and employment of the poor, the repairing the highways, paving, cleanſing, lighting, and watching the ſtreets, and other places, in the town and pariſh of Richmond, and alſo ſo much thereof, as provides for the removal and prevention of annoyances, obſtructions, and encroachments therein, is repealed. Thirty-one veſtrymen appointed, together with the miniſter and churchwardens, and ſuch acting juſtices as ſhall reſide in the pariſh of Richmond. Veſtrymen to meet for the purpoſe of putting the act in execution, and to bear their own expences, on notice by five veſtrymen. Inhabitants impowered to meet and elect other veſtrymen, in caſe of death, or removal. Veſtrymen to occupy 20l. per annum. Electors, for ſix months before, to occupy an houſe charged to the poor at 12l. per ann. and to pay all arrears before voting. Perſons having acted under the act of 6 Geo. 3. to render to the veſtrymen a juſt account of all monies received, and to pay the ſame to them, and to deliver books, papers, and writings, upon pain of impriſonment, till compoſition made with eleven veſtrymen. Veſtrymen impowered to make bye-laws; to be confirmed afterwards at a meeting of thirteen or more. Veſtrymen to take an oath of office to act impartially, to be adminiſtered by five or more veſtrymen. Penalty upon veſtrymen providing goods, &c. or being concerned in any contract under this act, 50l. a moiety to the informer, the other to the poor. Perſons ſelling ſpirituous liquors by retail, not to be veſtrymen. Veſtrymen to contract with perſons (for repairing, etc.) who are moſt capable of executing their contracts, without the aid of ſub-contractors. Proceedings of the veſtrymen to be entered in proper books. No buſineſs to be done but at a publick meeting. Five veſtrymen ſufficient to conſtitute a meeting. Veſtry to meet annually, to appoint a veſtry-clerk and the officers of the pariſh. Churchwardens to pay all money they ſhall receive to the treaſurer. Sideſmen to be elected annually. Sideſmen not to be veſtrymen in right of their office. Veſtrymen to elect proper perſons to be overſeers. Overſeers refuſing to act, others to be appointed. Fine for refuſal to ſerve, when choſen as overſeer, 10l. Veſtrymen to appoint a ſurveyor of the highways, and to give directions for repairing the highways, and other places. If the ſurveyor ſhould die, or neglect his duty, another to be appointed. Proper perſons to be choſen to collect the rates. Allowance to collectors 3d. in the pound. Collectors to give ſecurity, and to deliver in their accounts when required; and in caſe of failure, may be impriſoned, etc. until the balance paid. A treaſurer to be choſen annually, and to give ſecurity. Pound rates to be made for the relief of the poor, and for repairing the highways, etc. Poor's rate ſo much as thirteen veſtrymen ſhall judge neceſſary. Highway rate not to exceed 1s. 6d. in the pound. Rates to be paid quarterly. Sums aſſeſſed to be entered in books. Landlords of ready furniſhed houſes, to pay the

the rates of such houses. Vestrymen to sign the poor rates, and the same to be allowed by justices. Vestrymen may compound with the occupiers or owners of houses under 10l. per annum. A justice may act in his office, although a vestryman, and inhabitants may be witnesses. Rates to be recovered by distress and sale of goods and chattels. Vestrymen to appoint what number of watchmen they think fit, and in case of death, or misbehaviour, to engage others. The watchmen are impowered to apprehend all malefactors and disorderly persons, and to deliver them to the constables, &c. Vestrymen to regulate the number of lamps, and contract for lighting them. Persons breaking lamps to be fined 40s. and to be imprisoned till paid. Vestrymen to contract for repairing and cleansing the streets, &c. and may bring actions against contractors, not fulfilling their contracts, and recover penalties. No ashes, dirt, &c. to be thrown before any dwelling house, or in any publick place. Persons who suffer their swine to go at large, or create nuisances, to forfeit 40s. Owners of waterworks taking up the pavement, to repair the same, and on neglect thereof, the vestrymen to do such repairs, and recover the expences by distress. Expences of watching, lighting, &c. to be paid out of the rate. The present workhouse out of repair, and the lease thereof near expiring. Vestrymen empowered to erect and build a workhouse upon part of the commons to be enclosed by virtue of this act. Vestrymen empowered to purchase a burial ground within the parish. Fourteen days notice of meeting for contracts to be given, by advertisement, &c. Property of goods, &c. for the use of the poor in the workhouse, vested in the vestrymen, who are authorized to prosecute all persons who shall embezzle any of the said goods, etc. Indictments and actions to be laid and brought in the name of the treasurer. Vestrymen impowered to borrow money, if requisite, not exceeding 3000l. Money borrowed, to be paid off, but not more than 500l. at a time, out of the rates. Bonds to be discharged by lot. Securities for money to be entered in a book; and may be assigned. Securities for money already borrowed not to be altered or impeached. Vagrants and persons neglecting or deserting their families, etc. to be apprehended and sent to the workhouse, and to be set to labour therein, and their earnings to defray the expences, for support of their families. Vagrants to be sent to the workhouse, and kept to labour. Offenders may be punished by abstinence, and close confinement. Officers employed by the vestry, who shall purloin, etc. to be discharged, and also to forfeit treble the value of the goods embezzled, to be levied by distress and sale of goods; and for want thereof, may be imprisoned for three, and not less than one month. Vestrymen to cause the poor in the workhouse to be maintained and employed. Money arising from work done there, to be applied in aid of the poor's rate. Persons refusing to work, misbehaving, and not acting consistent with the rules of the house, shall be punished, by abstinence and confinement, at the discretion of the vestrymen, etc. Encouragement for those deserving of the same. Overseers and constables to aid and assist the vestrymen, and obey their warrants, etc. and on neglect or refusal, penalty 5l. to be levied by distress. May appeal to the quarter sessions. Casual poor to be relieved by a person appointed by the vestry. State and circumstances of casual poor, so relieved, to be laid before the vestrymen, at the next general meeting. Churchwardens, sidesmen, and overseers, to be restrained from relieving the casual poor. Churchwardens and sidesmen to visit the workhouse, and report the state thereof to the vestry. Forfeitures and penalties to be paid to the treasurer, and applied to the purposes of this act. Penalties and forfeitures to be recovered by distress or imprisonment, etc. as above. How justices to proceed for conviction of offenders. Form of conviction. Two commons, or pieces of waste ground, called the Pesthouse Common, and the Hill Common. Their Majesties willing to grant, and the persons having a right of common desirous to inclose the commons. Their Majesties, by writing under their hands, enabled to grant the commons to the vestry. Vestry enabled to inclose the commons. No building to

be erected on the hill common. Grant of the commons to be entered on the court rolls. Poor of the parish of Kew to be received into the workhouse to be built at Richmond. Kew poor to be used like Richmond poor. Minister, &c. of Kew, have power to examine the state of their poor received into the workhouse. His Majesty enabled to shut up Love Lane, from the freehold land of George Ross, esquire, at the south end of the said lane, to the highway leading from Kew-green to the river side. Persons aggrieved may appeal to the quarter sessions. Order of sessions to be final. Justices upon appeals may grant relief. Actions commenced in the name of the treasurer shall not abate in case of death, &c. Informers to be paid, at the discretion of the vestrymen. Proceedings not to be quashed for want of form, nor removed by certiorari. Distresses not to be deemed illegal for want of form, &c. Plaintiff shall not recover after notice, or after tender of amends. Limitation of actions not till ten days after tender of amends, and within two calendar months. General issue may be pleaded, and the defendant shall have treble costs if he recover, and to be a publick act.

CAP. XLII.

An act for vesting in Archibald *earl of* Dundonald, *his executors, administrators, and assigns, the sole use and property of a method of extracting or making tar, pitch, essential oils, volatile alkali, mineral acids, salts, and cinders, from pit coal, throughout his Majesty's dominions, for a limited time.*

Preamble.

His Majesty's letters patent granted to the earl of Dundonald.

WHEREAS *his most excellent majesty King* George *the Third, by his letters patent under the great seal of* Great Britain, *bearing date at* Westminster, *the thirtieth day of* April, *in the twenty-first year of his reign, did give and grant unto* Archibald *earl of* Dundonald, *his executors, administrators, and assigns, his especial licence, sole power, privilege, and authority, of making, using, exercising, and vending, within that part of his Majesty's kingdom of* Great Britain *called* England, *the dominion of* Wales, *and town of* Berwick upon Tweed, *his invention of a method of extracting or making tar, pitch, essential oils, volatile alkali, mineral acids, salts, and cinders, from pit coal, for the term of fourteen years, with a proviso, obliging the said* Archibald *earl of* Dundonald, *by writing under his hand and seal, to cause a particular description of the nature of the said invention to be inrolled in his Majesty's high court of chancery within four months after the date of the said recited letters patent: and whereas the said* Archibald *earl of* Dundonald *did, in pursuance of the said proviso, cause a particular description of the said invention to be inrolled in the high court of chancery upon the twentieth day of* August, *in the year one thousand seven hundred and eighty-one; which description is in the words and form, and to the effect following; that is to say:* The method I have invented for the extracting of tar, pitch, essential oils, volatile alkalies, mineral acids, and salts, and the making of cinders, from pit coal, consists in admitting the external air to have a passage or passages through the vessels or buildings in which the coal, from which any of the above substances are to be distilled, is put, whether by itself, or along with lime stone, flints, iron ore, bricks, or any other substance, by which means the said coals, after being kindled, are enabled,

Specification of the method of extracting tar, pitch, etc. from pit coal.

by their own heat, and without the assistance of any other fire, to throw off, in distillation or vapour, the tar, oil, alkalies, acids, and salts they contain, into receivers or condensing vessels, communicating with the vessels or buildings containing the coals, and at the same time of roasting, calcining, or burning any substances that may be mixed with them; it appears to me necessary, lest others encroach on my patent, to describe, as above, the principal upon which I act, in as few words as possible, and in such a manner as will admit of no ambiguity: therefore, according to what is above set forth and declared, persons who shall extract tar, *etcetera*, from pit coals in vessels or buildings, (it matters not their shape or size,) whereby the coals are made to burn or ignite, without flaming, by a regulated admission of the external air through different apertures in the buildings, so as by their own heat to throw off the tar, oils, *etcetera*, that they may contain; persons who do so, without my permission, are deemed to encroach upon my patent; as the only method used or known until my new discovery, was a distillation of coal in close vessels, where the admission of the external air was prevented; and whether other fuel or coals were required besides the coals contained in the close vessel to produce the heat necessary to pervade the same, and to cause the coals contained therein to throw off the tar, oils, *etcetera*, that they contained. I do not think it any ways of moment to subjoin any drawings of the buildings or kilns that may be used according to my new invention for the making of tar, *etcetera*, because these buildings may be made either square, circular, or oval, as fancy may direct, the art depending upon the management of the air admitted into the kilns, which can only be acquired by experience; and as it is by no means meant to keep the manufacture hid or concealed, those who want to see the practical part will have an opportunity so to do at the different places where the manufacture is to be carried on. Exclusive of the above invention, for which only the patent has been obtained, I promote the condensation of the less coercible part of the vapour that comes off in distillation, by commixing it with the steam of boiling water, and complete the condensation by the means of cold water, either in contact with the vapour, or applied externally to the vessels through which it passes; and by an admission of the external air into the condensing vessels when needful, I also cause the vapour to pass through more condensing vessels than one, to separate by that means the different oils and substances, according to the different degrees of cold and moisture requisite to condense them; or occasionally I follow the usual and common modes in practice for condensing the vapours thrown off from any substances by the action of heat: *And whereas his said most excellent Majesty, by his other letters patent under the seal appointed by the treaty of union to be kept and used in* Scotland, *in place of the great seal formerly used there, bearing date the twenty-seventh day of* February, *in the said twenty-first year of his reign, did grant the like licence, power, privilege,*

His Majesty's letters patent for Scotland granted to the earl of Dundonald.

privilege, and authority, to the said Archibald *earl of* Dundonald, *of making, using, exercising, and vending his said invention within that part of his Majesty's kingdom of* Great Britain *called* Scotland, *for the like term of fourteen years, with a proviso, obliging him, by writing under his hand and seal, to cause a particular description of the nature of the said invention to be inrolled in his Majesty's chancery in* Scotland, *within four months after the date of the said recited letters patent; in pursuance of which proviso the said* Archibald *earl of* Dundonald *did cause such description to be inrolled in the said chancery of* Scotland *upon the twenty-sixth day of* June, *in the said year one thousand seven hundred and eighty-one, in the same words and form, and to the same effect, as that hereinabove mentioned, as inrolled in the high court of chancery of* England: *and whereas, in the opinion of competent judges who have attended to the said* Archibald *earl of* Dundonald's *method, and examined and used the tar, pitch, and other extractions, the invention will be attended with the most beneficial consequences to the publick, the process being simple and easy, and the tar and pitch of a better quality for certain uses than what is generally made in foreign countries, and particularly useful in preserving ships bottoms from worms: and whereas the said* Archibald *earl of* Dundonald *spent much of his time, and was at a great expence in bringing his said invention to perfection before applying for the patents; and after he had procured them, his circumstances not permitting him to carry on the necessary works without the aid of others, the connections he formed with that view turned out unfortunately; so that hitherto, and when upwards of four years of the term are elapsed, he has reaped no benefit, but on the contrary, his paternal estate is involved in debt; and he is under engagements, by taking leases of coal mines and otherwise, which must be ruinous, unless the scheme is prosecuted with vigour by a large advance of money: and whereas the remainder of the short term of exclusive privilege, granted by the said recited patents, does not afford sufficient encouragement to people otherwise willing to support the said* Archibald *earl of* Dundonald; *and unless he is supported, the publick must be deprived of the benefit of the invention, while the privilege remains with him: to the end, therefore, That the said* Archibald *earl of* Dundonald *may be enabled and encouraged to prosecute and complete his said invention, and his property therein secured, not only within* Great Britain, *but in his Majesty's colonies and plantations in* North America, *so that the publick may reap all the advantages to be derived therefrom in their fullest extent, and the said* Archibald *earl of* Dundonald *may obtain an adequate recompence for his labour, time and expence*; may it please your most excellent Majesty (at the humble petition and request of the said *Archibald* earl of *Dundonald*) that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *June*, one thousand seven hundred and eighty-five, the sole privilege and advantage of making and extracting tar, pitch, essential oils, volatile alkali, mineral

Earl of Dundonald been at great expence, and cannot carry on the works without assistance.

Sole privilege of making tar, pitch, etc. from pit coal,

mineral acids, salts, and cinders, from pit coal, by the method herein-before particularly set forth and described, and of vending the same within the kingdom of *Great Britain*, and his Majesty's colonies and plantations in *North America*, shall be, and are hereby declared to be, vested in the said *Archibald* earl of *Dundonald*, his executors, administrators, and assigns, for and during the term of twenty years; and that he the said *Archibald* earl of *Dundonald*, his executors, administrators, and assigns, and every of them, by himself and themselves, or by his and their deputy or deputies, servants or agents, or such others as he the said *Archibald* earl of *Dundonald*, his executors, administrators, and assigns, shall at any time agree with, and for no others, from time to time, and at all times, during the term of years herein-before mentioned, shall, and lawfully may, make or extract tar, pitch, essential oils, volatile alkali, mineral acids, salts, and cinders, from pit coal, by the method herein-before described, and vend the same within the kingdom of *Great Britain*, and in his Majesty's colonies and plantations in *North America*, in such manner as to him the said *Archibald* earl of *Dundonald*, his executors, administrators, and assigns, shall in their discretions seem meet; and that the said *Archibald* earl of *Dundonald*, his executors, administrators, and assigns, shall, and lawfully may, have and enjoy the whole profit, benefit, commodity, and advantage, from time to time, coming, growing, accruing, and arising, by reason of his said invention, for the said term of twenty years, to have, hold, receive, and enjoy the same for and during, and to the full end and term of twenty years, as aforesaid; and that no other person or persons within the kingdom of *Great Britain*, or any of his Majesty's colonies or plantations in *North America*, shall, at any time during the said term of twenty years, either directly or indirectly, do, make, use, or put in practice the said invention, or any part of the same, nor in anywise counterfeit, imitate, or resemble the same; nor shall make, or cause to be made, any addition thereunto, or subtraction from the same; whereby to pretend himself or themselves the inventor or inventors, devisor or devisors thereof, without the licence, consent, or agreement of the said *Archibald* earl of *Dundonald*, his executors, administrators, or assigns, in writing under his or their hand and seal, or hands and seals, first had and obtained in that behalf, upon such pains and penalties as can or may be justly inflicted upon such offenders, for their contempt of this act; and further, to be answerable to the said *Archibald* earl of *Dundonald*, his executors, administrators, and assigns, according to law, for his and their damages thereby occasioned.

vested in the earl of Dundonald for 20 years, from June 1, 1785.

II. Provided always, and be it hereby declared, That nothing in this act contained shall extend, or be construed to extend, to prejudice or hinder any person or persons from making or extracting tar, pitch, essential oils, volatile alkali, mineral acids, salts, and cinders, from pit coal, by any method which is not the invention of the said *Archibald* earl of *Dundonald*, as aforesaid;

Act not to extend to hinder any person from making tar, pitch, etc. which is not

the invention of the earl of Dundonald.

said; or which has been publickly used or exercised by any other person or persons, before the time of the date of the said letters patent herein recited; but that all such methods which are not at present of the said invention of the said *Archibald* earl of *Dundonald*, or are not particularly specified in this act, shall be and remain to the publick, and to the respective inventors thereof, as if this act had never been made; any thing herein contained to the contrary notwithstanding.

Proviso.

III. Provided also, That every objection in law, competent against the said patents, shall be competent against this act, to all intents and purposes, except so far as relates to the term hereby granted.

The privileges granted by this act not to be transferred to more than five persons.

IV. Provided always, That if the said *Archibald* earl of *Dundonald*, his executors, administrators, or assigns, or any person or persons who shall, at any time during the said term of twenty years, have or claim any right, title, or interest, in law or equity, of, in, or to the power, privilege, or authority of the sole use and benefit of the said invention, shall make any transfer or assignment, or pretended transfer or assignment, of the said liberty or privilege hereby granted, or any share or shares of the benefit or profits thereof; or shall declare any trust thereof to or for any number of persons exceeding the number of five, or shall open, or cause to be opened, any book or books for publick subscriptions, to be made by any number of persons exceeding the number of five, in order to the raising any sum or sums of money, under pretence of carrying on the said liberty or privilege hereby granted; or shall by him or themselves, or his or their agents or servants, receive any sum or sums of money whatsoever, of any number of persons exceeding in the whole the number of five, for such or the like intents or purposes; or shall presume to act as a corporate body; or shall divide the benefit of the liberty or privileges hereby granted, into any number of shares exceeding the number of five; or shall commit or do, or procure to be committed or done, any act, matter, or thing whatsoever, during such time as such person or persons shall have any right, or title, either in law or equity, which shall be contrary to the true intent and meaning of an act of parliament made in the fixth year of the reign of his late majesty King *George* the First, (intituled, *An act for the better securing certain powers and privileges intended to be granted by his Majesty, by two charters, for assurance of ships and merchandizes at sea, and for lending money upon bottomry; and for restraining several extravagant and unwarrantable practices therein mentioned*); or in case the said power, privilege, or authority, shall at any time become vested in, or in trust for more than the number of five persons, or their representatives, at any one time, otherwise than by devise or succession, (reckoning executors and administrators as and for the single person whom they represent, as to such interest they are or shall be intitled to in right of such their testator or intestate); that then, and in every of the said cases, all liberties and advantages whatsoever, hereby granted shall utterly

6 Geo. 1. c. 18.

utterly ceaſe, determine, and become void; any thing hereinbefore contained to the contrary thereof in anywiſe notwithſtanding.

V. And be it further enacted by the authority aforeſaid, That this act ſhall be adjudged, deemed, and taken to be a publick act; and ſhall be judicially taken notice of as ſuch, by all judges, juſtices, and other perſons whomſoever, without ſpecially pleading the ſame. Publick act.

CAP. XLIII.

An act to repeal the duties on male ſervants; and for granting new duties on male and female ſervants.

WHEREAS *by an act, made in the ſeventeenth year of the reign of his preſent Majeſty, intituled,* An act for granting to his Majeſty a duty upon all ſervants retained or employed in the ſeveral capacities therein mentioned; and for repealing ſeveral rates and duties upon glaſs, impoſed by an act made in the nineteenth year of the reign of his late Majeſty, and for granting to his Majeſty other rates and duties upon glaſs in lieu thereof, and for the better collecting the duties upon glaſs; and for repealing the ſeveral rates and duties charged, by an act made in the twenty-ninth year of the reign of his ſaid late Majeſty, upon all perſons and bodies politick and corporate having certain quantities of ſilver plate; *it was enacted, That from and after the fifth day of* July, *one thouſand ſeven hundred and ſeventy-ſeven, there ſhall be paid unto his Majeſty, his heirs and ſucceſſors, after the rate of twenty-one ſhillings* per annum *for every male ſervant within* Great Britain, *who ſhould then have been, or who ſhould afterwards be retained or employed in the ſeveral capacities therein deſcribed and enumerated; ſuch yearly ſum to be charged on the maſter or miſtreſs of every ſuch male ſervant in manner therein mentioned; and the ſaid duty on male ſervants was put under the receipt and management of the commiſſioners for the affairs of taxes: and whereas, in the nineteenth year of his Majeſty's reign, another act was made, for amending the ſaid act: and whereas by another act, made in the twenty-firſt year of his Majeſty's reign, intituled,* An act for the better management and collection of the duties upon male ſervants, granted by an act made in the ſeventeenth year of the reign of his preſent Majeſty, *the receipt and management of the ſaid duties upon male ſervants were transferred from the commiſſioners of the duties on houſes, windows, and lights, to the commiſſioners of exciſe for* England *and* Scotland *reſpectively; and further proviſions were made for better ſecuring the ſaid duties on male ſervants: and whereas, by virtue of an act made in the twenty-ſecond year of his Majeſty's reign,* for granting additional duties on the produce of the ſeveral duties under the management of the commiſſioners of cuſtoms and exciſe, *an additional duty of five pounds* per centum *became charged upon the ſaid duty on male ſervants, and has been ever ſince collected: now, we, your Majeſty's moſt dutiful* Preamble. 17 Geo. 3. c. 39. 21 Geo. 3. c. 31. 22 Geo. 3. c. 66.

dutiful and loyal subjects, the commons of Great Britain, *in parliament assembled, thinking it expedient to repeal the said duties on male servants, mentioned in the said several recited acts respectively, and to grant unto your Majesty the several new duties herein-after mentioned upon male and female servants, as well for the purposes for which the said recited duties on male servants were made applicable, as towards raising the supplies which we have freely granted to your Majesty in this session of parliament*, do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, the duties on male servants, granted by the said recited acts, or any of them, shall cease, determine, and be no longer paid or payable.

Duties on servants, granted by the recited acts, repealed.

Not to affect the recovery of arrears.

II. Provided always, and be it further enacted, That nothing herein contained shall be construed to affect the recovery of arrears of the said repealed duties, which, on the said fifth day of *July*, one thousand seven hundred and eighty-five, may remain unpaid, or the recovery of any penalty or forfeiture which may have been incurred on or before the same day.

From July 5, 1785, the following duties to be paid for male servants.

III. And be it further enacted and declared, That, from and after the fifth day of *July* one thousand seven hundred and eighty five, there shall be paid unto his Majesty, his heirs and successors, throughout the kingdom of *Great Britain*, by every person who shall retain or employ any male servant or servants, the several yearly sums following; that is to say,

For one or two, 1l. 5s. each:

For one male servant, the sum of one pound and five shillings:

For two male servants, and not more, the sum of one pound and five shillings each:

for three or four 1l. 10s. each:

For three, and not more than four male servants, the sum of one pound and ten shillings each:

five to seven, 1l. 15s. each:

For five, and not more than seven male servants, the sum of one pound and fifteen shillings each:

eight to ten, 2l. each:

For eight, and not more than ten male servants, the sum of two pounds each:

for eleven, and upwards, 3l. each.

And for eleven male servants, and upwards, the sum of three pounds each:

An additional 1l. 5s. for every male servant retained by unmarried men above 21 years, of age.

And every male person, of the age of twenty-one years and upwards, never having been married, who shall retain or employ any male servant or servants, shall pay the annual sum of one pound and five shillings for each male servant, over and above the duties herein-before mentioned.

Enumeration of male servants for

IV. *And, in order to ascertain what description of male servants shall be within the duties herein-before granted*, be it further enacted, That the said duties granted by this act shall extend to, and be payable for, every male servant who shall be retained or employed

employed in any of the following capacities; that is to say, maitre d'hotel, house-steward, master of the horse, groom of the chamber, valet de chambre, butler, under-butler, clerk of the kitchen, confectioner, cook, house-porter, footman, running footman, coachman, groom, postillion, stable-boy, and the respective helpers in the stables of such coachman, groom, or postillion, gardener not being a day labourer, park-keeper, game-keeper, huntsman or whipper-in, waiters in taverns, coffee-houses, inns, ale-houses, or any other houses licensed to sell wine, ale, or other liquors by retail (other than occasional waiters), or by whatsoever name or names, male servants really acting in any of the said capacities shall be called, or whether such male servants shall have been, or shall be retained or employed in one or more of the said capacities, or in any other business jointly with one or more of the same. whom the duties shall be paid.

V. And be it further enacted, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, there shall also be paid unto his Majesty, his heirs and successors, throughout the kingdom of *Great Britain*, by every person who shall retain or employ any female servant or servants, the rates and duties following; that is to say, Duties to be paid for female servants;

Every person who shall retain or employ any one female servant, and not more, shall, for such female servant, pay annually the sum of two shillings and sixpence: For one, 2s. 6d.:

Every person who shall retain or employ two female servants, and not more, shall, for each of them, pay annually the sum of five shillings: for two, 5s. each:

Every person who shall retain or employ three or more female servants, shall, for each of them, pay annually the sum of ten shillings: for three, or more, 10s. each;

And every male person of the age of twenty-one years, and upwards, never having been married, who shall retain or employ any one female servant, and not more, shall, for such female servant, pay annually the sum of two shillings and sixpence, over and above the duty for one female servant herein-before mentioned: and male persons unmarried, above 25 years of age, to pay an additional 2s. 6d. for one servant;

And every male person of the age of twenty-one years and upwards, never having been married, who shall retain or employ two female servants, and not more, shall, for each of them, pay annually the sum of five shillings, over and above the duty of five shillings each for two female servants, herein-before mentioned: 5s. each, for two servants;

And every male person of the age of twenty-one years, and upwards, never having been married, who shall retain or employ three or more female servants, shall, for each of them, pay annually the sum of ten shillings, over and above the duty of ten shillings each for three or more female servants, herein-before mentioned. and 10s. each, for three or more servants.

VI. Provided always, and be it further enacted, That the duties

Not to extend to servants employed in husbandry, &c.

duties granted by this act shall not extend to any male or female servant who shall be retained or employed *bona fide* for the purposes of husbandry, farmers, dairy, or manufacture, or of any trade or calling (other than waiters, as aforesaid) by which the master or mistress of such servant shall earn a livelihood or profit.

Duties for coachmen, grooms, etc. let out to hire, by whom to be paid.

VII. Provided also, and be it further enacted, That the duty hereby granted for every coachman, groom, postillion, or helper, let out to hire by way of jobb, shall be paid by the master or mistress, for whose use and in whose service such coachman, groom, postillion, or helper, shall be employed respectively; and the duty hereby granted for every gardener, retained or employed by any person or persons who shall contract for the keeping of any garden or gardens, shall be paid by the person or persons for whose use and in whose garden such gardener shall be employed.

Duties to be paid for apprentices employed in any of the capacities before mentioned.

VIII. Provided also, and be it further enacted, That nothing in this act contained shall extend to exempt any person or persons from the payment of any of the duties granted by this act, in respect of any servant retained or employed in any of the capacities aforesaid, on account or under pretence that such servant is or shall be bound as an apprentice to such person or persons;

Exception.

save and except such apprentices as are or shall be imposed upon any master or mistress, under and by virtue of the powers given to magistrates and parish officers by any act of parliament, so as the number of such apprentices, so imposed upon any master or mistress, does not exceed two: provided always, That nothing herein contained shall extend to exempt any such apprentice or apprentices who is or are employed as livery servants.

Not to extend to butlers, etc. in the universities;

IX. Provided also, and be it further enacted, That this act, or any thing herein contained, shall not extend to charge with any of the duties hereby granted, the butler or butlers, mancible, cook or cooks, gardener or gardeners, or porter or porters, of any college or hall within either of the universities of *Oxford* or *Cambridge*, or the universities of *Edinburgh*, *Glasgow*, *Aberdeen*, or *Saint Andrew's*, in *Scotland*, or of the several colleges of *Westminster*, *Eaton*, or *Winchester*;

nor to the servants of the royal family;

or the servants of his Majesty, or any of the royal family; or of any ambassador or foreign minister residing in the kingdom of *Great Britain*.

nor the royal hospitals, etc.

X. Provided also, and be it further enacted, That nothing herein contained shall extend to charge with any of the duties hereby granted, any of the royal hospitals of *Christ*, *Saint Bartholomew*, *Bridewell*, *Bethlem*, *Saint Thomas*, in the city of *London*, and borough of *Southwark*, or *Guy's*, or the *Foundling* hospital.

One servant of any officer under the rank of a field officer, etc. not liable to the duties.

XI. And be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to charge with the duty hereby imposed, any officer serving in any regiment of horse or dragoons, under the rank, or not receiving the pay of a field officer, provided he retains no more than one servant; nor any officer serving in any regiment of artillery, infantry,

infantry, or marines, or corps of engineers, for any ſervant who is actually a ſoldier in the regiment or company to which ſuch officer ſhall belong; nor any officer in his Majeſty's navy, under the rank of a maſter and commander in actual employ, for any ſervant who is borne upon the books of the ſhip to which ſuch officer ſhall belong.

Officers diſabled in his Majeſty's ſervice, and on half pay, not liable to the duties for one ſervant.

XII. And be it further enacted, That in all caſes where any officer on half pay from his Majeſty's navy, army, or marines, who have been diſabled by loſs of a limb, or wound received in his Majeſty's ſervice, ſhall be charged for the duty on male ſervants for one male ſervant only, under the authority of this act, it ſhall and may be lawful for the acting commiſſioners for any diſtrict in *England*, or the commiſſioners of ſupply in *Scotland*, on an appeal made to them by ſuch officer, and proof on oath made that he is an officer on half pay, and diſabled as aforeſaid, to the ſatisfaction of the ſaid commiſſioners, to make an abatement of the whole duty from the charge againſt ſuch officer.

Clauſe in favour of perſons having young children or grand children.

XIII. Provided always, and be it enacted, That every perſon who ſhall have living in their houſes two or more lawful children or grand children, under the age of fourteen years, ſhall, in reſpect of every two ſuch lawful children or grand children, be exempted from the payment of the duties by this act impoſed for one female ſervant; that is to ſay, if any perſon, having two ſuch lawful children or grand children, ſhall have one female ſervant, and not more, he or ſhe ſhall be wholly exempted from the duty hereby impoſed; if any perſon, having four ſuch lawful children or grand children, ſhall have two female ſervants, and not more, he or ſhe ſhall pay for one female ſervant, at the ſame rate as if he or ſhe retained only one female ſervant, and no more; and ſo in proportion for any greater number, abating one female ſervant, and lowering the rate of duty in the manner herein-before provided, for every two ſuch children or grand children.

Female ſervants above, or under, certain ages, not liable to the duties.

XIV. Provided always, and be it enacted, That nothing in this act ſhall extend, or be conſtrued to extend, to ſubject any maſter or miſtreſs to the payment of any of the duties impoſed by this act for any female ſervant who ſhall be retained by him or her, where it ſhall be made appear, by an extract from the regiſter of the births kept in the pariſh, properly authenticated, where ſuch ſervant was born, that at the time of making the aſſeſſment ſhe ſhall be under the age of fourteen years, or above the age of ſixty years.

Duties to be collected by ſuch perſons, and paid into the exchequer under ſuch penalties, &c. as are appointed for the duties

XV. And be it further enacted, That the duties charged by this act ſhall be aſſeſſed, raiſed, levied, collected, and received by ſuch perſons, and ſhall be paid into the receipt of his Majeſty's exchequer, in ſuch and the like form and manner, and with ſuch allowances, and under ſuch penalties, forfeitures, and diſabilities, and according to ſuch rules, methods, and directions, as are preſcribed or appointed for aſſeſſing, raiſing, levying, collecting, receiving, and paying the duties on houſes and windows

on houses and windows, by two acts of 20 Geo. 2. c. 3, c. 42; 21 Geo. 2. c. 10; 26 Geo. 2. c. 17; 31 Geo. 2. c. 22; 2 Geo. 3. c. 8; 6 Geo. 3. c. 38; 19 Geo. 3. c. 59; 24 Geo. 3. c. 38.

windows or lights, in and by an act, made in the twentieth year of the reign of his late Majesty, intituled, *An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties*; and by another act, made in the twentieth year of the reign of his said late Majesty, intituled, *An act to enforce the execution of an act of this session of parliament, for granting to his Majesty several rates and duties upon houses, windows, or lights*; and by an act made in the twenty-first year of his said late Majesty's reign, intituled, *An act for explaining, amending, and further enforcing the execution of an act, passed in the last session of parliament, intituled, "An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties;"* and by an act, made in the twenty-sixth year of the reign of his said late Majesty, intituled, *An act for the more effectual levying of the duties upon windows or lights, in that part of* Great Britain *called* Scotland; and by an act, made in the thirty-first year of the reign of his said late Majesty, intituled, *An act for granting to his Majesty several rates and duties upon offices and pensions; and upon houses, and upon windows or lights; and for raising the sum of five millions by annuities and a lottery, to be charged on the said rates and duties*; and by an act, made in the second year of the reign of his present Majesty, intituled, *An act for granting to his Majesty several rates or duties upon windows or lights*; and by an act, made in the sixth year of his present Majesty, intituled, *An act for repealing the several duties upon houses, windows, and lights; and for granting to his Majesty other duties upon houses, windows, and lights*; and by another act, made in the nineteenth year of his present Majesty, intituled, *An act for repealing the duties on all inhabited houses, imposed by an act made in the last session of parliament; and for granting to his Majesty other duties upon all inhabited houses in* Great Britain, *and for amending the said act; and also for amending so much of an act, made in the seventeenth year of the reign of his present Majesty, as imposes a duty upon all servants retained or employed in the several capacities therein mentioned*; and by an act, made in the twenty-fourth year of his present Majesty, intituled, *An act for repealing the several duties on tea, and for granting to his Majesty other duties in lieu thereof; and also several duties on inhabited houses; and upon the importation of cocoa nuts and coffee; and for repealing the inland duties of excise thereon*; or in or by any of the said acts; and all the powers, authorities, rules and directions, penalties, forfeitures, clauses, matters and things, now in force, contained in the said acts, relative to the duties on houses and windows or lights, for assessing, raising, levying, and paying the rates and duties thereby granted, shall be in full force, and be duly observed, practised, and put in execution,

execution, throughout the whole kingdom of *Great Britain*, for assessing, raising, levying, collecting, and paying the duties hereby placed under the management of the said commissioners for the affairs of taxes, as fully and effectually, to all intents and purposes, so far as such provisions shall be applicable to the said duties hereby granted, and are not altered by this act.

Commissioners of the aforementioned duties on houses, &c. to put this act in execution.

XVI. And be it further enacted, That for assessing, levying, collecting, and paying the duties charged by this act, the commissioners authorised or appointed, or who shall be hereafter authorised or appointed, for putting in execution the said acts relative to the duties on houses, and windows or lights, shall be commissioners for executing this present act, and the powers therein contained, in all and singular the counties, shires, stewartries, ridings, cities, boroughs, cinque ports, towns, and places respectively, within *Great Britain*; and such commissioners, for the speedy execution of this act, shall, in the respective counties, shires, stewartries, ridings, cities, boroughs, cinque ports, towns, and places, for which they are or shall be appointed commissioners, meet for the first time on or before the fifth day of *July*, one thousand seven hundred and eighty-five, and afterwards shall in like manner meet yearly, and every year, at such day or time as the said commissioners for the time being shall think proper to appoint, on or before the thirtieth day of *April*; and shall then divide themselves to act in separate districts, and proceed in the execution of this present act, for assessing, raising, levying, and collecting the duties granted by this act, in such and the same manner as is prescribed by the said acts relative to the said duties on houses, and windows or lights, or any of them, with respect to the duties thereby imposed, except so far as an alteration is made by this act.

First meeting, &c.

Commissioners, on default of meeting on the day above-mentioned, may meet afterwards, etc.

XVII. Provided always, and be it further enacted, That if, by any negligence or default, there shall not have been a meeting of the said commissioners for executing this act, within or at the times, or according to the manner hereby prescribed, the said commissioners, or any two or more of them, in the respective counties, shires, stewartries, ridings, cities, boroughs, cinque ports, and towns, in *Great Britain* respectively, wherein such default shall have happened, may and shall meet at any other time or times, as soon as may be after the time or times so prescribed, in order to execute the powers of this act, so as that the said duties charged by this act may be duly and effectually assessed, raised, levied, and paid to his Majesty, his heirs and successors, notwithstanding any such default or defect as aforesaid.

Oaths to be taken by commissioners.

XVIII. Provided also, and be it further enacted, That no person shall presume to act as a commissioner in the execution of this act, (except in administering the oath herein-after expressed) until he shall have taken the several oaths requisite to qualify him for acting as a commissioner of the several duties charged on houses, and windows or lights, by any of the acts herein-

herein-before referred to, and alſo ſhall have taken the following oath; that is to ſay,

New oath.

I A. B. *do ſwear, That I will truly and faithfully execute the office of a commiſſioner, according to an act made in the twenty-fifth year of King* George *the Third*, to repeal the duties on male ſervants; and for granting new duties on male and female ſervants; *and that I will determine upon all appeals which ſhall be brought before me, under the ſaid act, according to the beſt of my ſkill and knowledge.*

So help me GOD.

Which oath any two or more of the commiſſioners in the county, ſhire, ſtewartry, city, or place, where the aſſeſſment is to be made, are hereby authoriſed to adminiſter; and if any perſon ſhall act as a commiſſioner for the execution of this act, except as aforeſaid, before he ſhall have taken ſuch oaths as aforeſaid, he ſhall, for every offence, forfeit the ſum of one hundred pounds.

Penalty on acting before taking the oaths.

The firſt aſſeſſment for three quarters of a year.

XIX. And be it further enacted, That the firſt aſſeſſment of the duties charged by this act, ſhall be made for three quarters of a year, from the fifth day of *July*, one thouſand ſeven hundred and eighty-five; and afterwards the aſſeſſment of the duties charged by this act ſhall be made for one year, from the fifth day of *April* in every year.

Duties to be paid quarterly.

XX. And be it further enacted, That the ſaid duties charged by this act ſhall be paid at the times and in the proportions following, (that is to ſay), quarterly, on the fifth day of *January*, the fifth day of *April*, the fifth day of *July*, and the tenth day of *October*, in every year, by equal portions; the firſt of the ſaid quarterly payments to be made on the tenth day of *October*, one thouſand ſeven hundred and eighty-five.

Clauſe relative to perſons who have paid the old duties in advance.

XXI. Provided always, and be it further enacted, That all perſons who, previouſly to the ſaid fifth day of *July*, one thouſand ſeven hundred and eighty-five, ſhall have already paid the ſaid repealed duties on male ſervants for any part of the ſaid three quarters for which the firſt aſſeſſment on male ſervants under this act is hereby directed to be made, or their reſpective executors or adminiſtrators, ſhall, after paying the ſaid firſt aſſeſſment, have a right to receive back from the commiſſioners of exciſe, or any officer or officers appointed by them, out of any money which ſhall have been paid into, or be in their hands, ſuch a proportion of the repealed duties on male ſervants, ſo already paid to the ſaid commiſſioners of exciſe or their officers, as ſhall be neceſſary to prevent a double payment of the ſaid duties, in reſpect of ſuch male ſervants, for the ſaid three quarters on the ſaid firſt aſſeſſment, or for any part thereof; for which purpoſe the ſaid commiſſioners of exciſe are hereby required to make ſuch orders, in reſpect to the time and manner of ſuch repayment, as to them ſhall appear beſt calculated

lated to effectuate the intention of this act, and to prevent a charge of double duties for male servants on any person: provided always, That no person shall be intitled to receive back from the commissioners of excise, or their officers, under the provision aforesaid, any sum in respect of such repealed duties on male servants, for any portion of the said three quarters, less than a full quarter of a year.

If assessors neglect their duty, surveyors, etc. may perform the same.

XXII. And, for more effectually levying and collecting the said duties granted by this act, be it further enacted, That if there shall be a neglect of appointment of assessors of the said duties on houses, and windows or lights, or if the assessors appointed shall neglect what is required of them by this act, then, and in every such case, it shall be lawful to and for the surveyor or surveyors, or inspector or inspectors, appointed or to be appointed under the authority of the said acts, relative to the duties on houses, and windows or lights, or any of them, to do and perform such and the like services as, by the said acts or any of them, are required from such assessors.

Oaths to be taken by assessors.

XXIII. And be it further enacted, That every person so appointed or to be appointed assessor as aforesaid, or any surveyor or inspector hereby authorised to act as an assessor, shall, before he presumes to act in the execution of the said office or employment, take (besides the oaths or affirmations required to be taken by assessors by the before-mentioned acts relative to the duties on houses, and windows or lights, or any of them) an oath, or, being one of the people called *Quakers*, make and subscribe a solemn affirmation, in the following form:

New oath.

I A. B. *do swear*, [or *affirm*, as the case may require], *That in the assessment which I am required to make by authority of an act made in the twenty-fifth year of King* George *the Third*, to repeal the duties on male servants; and for charging new duties upon male and female servants; *I will act according to the best of my skill and knowledge.*

So help me GOD.

Which oath or affirmation any two or more of the commissioners in the county, shire, stewartry, city, or place, where the assessment is to be made, are hereby authorised and required to administer; and if any person so appointed, or to be appointed, or hereby authorised to act as assessor, shall presume to act in the execution of the said office or employment, before he shall have taken the aforesaid oath or affirmation, as the case shall be, he shall forfeit and pay, for every such offence, the sum of twenty pounds.

Penalty on acting before taking the oath.

Notice to be given in the precepts of the appointment of assessors.

XXIV. And be it further enacted, That the said commissioners for executing this act shall, in the precepts to be from time to time directed by them to the inhabitants of the parishes or places within their respective districts or divisions, naming whom they shall think fit to be assessors under the said acts, relative to the said duties on houses, and windows or lights, or any

any of them, cauſe notice to be inſerted, that ſuch perſons are alſo appointed aſſeſſors of the duties granted by this act.

Aſſeſſors to give notice in writing to maſters, etc. to produce liſts of their ſervants employed within their diſtricts, etc.

XXV. And be it further enacted, That ſuch perſons to be appointed aſſeſſors as aforeſaid, ſhall, within fourteen days after ſuch their appointment yearly, give or leave notice in writing, to or for every perſon keeping any male or female ſervant liable to the duties granted by this act, within the limits of the places for which ſuch aſſeſſors are to act, at his or her dwelling houſe, to prepare or produce, within fourteen days next enſuing the day of giving ſuch notice, ſeparate liſts in writing of his or her male and female ſervants retained or employed within ſuch limits, every ſuch liſt to deſcribe the chriſtian name and ſurname of each ſervant, and the capacity in which each ſhall have been retained or employed, and to contain the greateſt number of ſervants, male and female, which ſuch perſon ſhall have retained or employed at any one time in the courſe of the year ending the fifth day of *April* preceding ſuch notice; and every ſuch perſon ſhall, after ſuch notice ſo given or left, make out the ſaid liſts, and ſign the ſame with his or her own name, and deliver the ſame, or cauſe the ſame to be delivered, to ſuch aſſeſſor or aſſeſſors, who are hereby required and directed to call for the ſame: and if any ſuch perſon ſhall neglect or refuſe to make out, ſign, and deliver ſuch liſts as aforeſaid, within the time before-mentioned, then ſuch aſſeſſor or aſſeſſors ſhall, from the beſt information he or they can obtain, make an aſſeſſment upon ſuch perſon ſo neglecting or refuſing, for and in reſpect of the number of male and female ſervants, liable to the duties granted by this act, ſo kept by him or her; and every ſuch aſſeſſment ſo made upon any ſuch neglect or refuſal ſhall be final and concluſive upon the perſon thereby charged, who ſhall not be at liberty to appeal therefrom, unleſs ſuch perſon ſhall prove that he or ſhe was not at his or her dwelling houſe at the time of the delivery of ſuch notice, nor between that day and the time limited for delivering ſuch liſt as aforeſaid to the aſſeſſor; or unleſs ſuch perſon ſhall alledge and prove ſuch other excuſe for not having delivered his or her liſt, as the commiſſioners for executing this act ſhall in their judgement think reaſonable and ſufficient.

How aſſeſſor to proceed, in caſe maſters neglect to deliver ſuch liſts.

Liſts to contain the greateſt number of ſervants employed during the time to which they relate.

XXVI. Provided always, and be it further enacted, That the reſpective liſts which ſhall be delivered, in the manner herein-before mentioned, by order of the ſaid commiſſioners, on the firſt aſſeſſment to be made by virtue of this act, ſhall contain the greateſt number of male and female ſervants as aforeſaid, which the perſons from whom ſuch liſts are herein-before required ſhall reſpectively have at any time kept between the tenth day of *October*, one thouſand ſeven hundred and eighty-four, and the fifth day of *July*, one thouſand ſeven hundred and eighty-five.

Commiſſioners, on application, to grant relief

XXVII. And, to the end that no perſon may pay for his or her ſervants in more pariſhes or diſtricts than one within the ſame year, be it further enacted, That if any perſon, having been

been assessed under this act in one parish or district for his or her servants within the same, shall be again assessed in another parish or district, for or in respect of such servants, or any of them; in every such case, the commissioners for the execution of this act, within such latter parish or district, or the majority of the said commissioners present, at any application for the purpose, may and are hereby required to alter any assessment of such person so assessed twice, on proof given before them that such person has paid the said duties, for or in respect of such servants, in another place, and in what place specifically, or hath been assessed for the same; which proof shall be made, as to the fact of payment, by producing a receipt signed by the collector to whom the same payment shall have been made, or, in default thereof, by other reasonable evidence to the satisfaction of the said commissioners for the execution of this act, or the majority of them, before whom such evidence shall be offered; and the aforesaid proof, as to the fact of the party having been assessed elsewhere, shall be made in like manner, either by producing a copy or certificate of the assessment signed by two or more commissioners of the district for which such assessment shall have been made, (which copy or certificate the clerk then attending the said commissioners shall deliver *gratis* to the party requiring the same), or, in default of such copy or certificate, then such proof shall be made by other evidence, to the satisfaction of the commissioners present, or the majority of them.

As to persons who have been assessed in different places for the same servants.

XXVIII. Provided always, and be it further enacted, That every person who shall be called upon by virtue of this act to give such lists as aforesaid, shall, when he or she shall give in such lists, at the same time make a declaration, signed by him or her, of the number of servants respectively he or she shall mean to pay for at every other place, specifying the particular parishes or parish, or districts or district, wherein he or she shall mean to pay for such other servants respectively, so as that every such list or declaration shall contain the whole number of servants retained by such master or mistress within the kingdom of *Great Britain*, in order to their being charged according to the several rates prescribed by this act, in proportion to the greatest number retained in the whole; and the said assessors shall enter the list or declaration last mentioned at the end of their several assessments, and deliver the said list or declaration to the surveyor for each parish or district, in order that he may transmit the particulars thereof to the commissioners for managing the affairs of taxes.

Clause relative to persons who pay for servants in different parishes.

XXIX. And be it further enacted, That such assessors as aforesaid shall not be bound by such lists as shall be delivered to them respectively, in pursuance of this act; but shall be at liberty, if they shall find, upon due examination, that any servant or servants is or are omitted in such lists, to surcharge the same, and make a true assessment upon every person keeping such servants within their respective districts, of the real number

In case the lists delivered to the assessors shall be found deficient, they may surcharge the same.

ber of servants retained or employed by each such person, distinguishing every such servant in manner herein-before directed.

Assessors to deliver their assessments to the commissioners within 3 months after their appointment. Commissioners to sign the same, and appoint collectors, etc.

XXX. And be it further enacted, That such assessors as aforesaid shall, from time to time, make and deliver in writing their assessments of the said duties granted by this act, within the limits for which they are respectively to act as aforesaid, unto the said commissioners, for the execution of this act, or any two or more of them, within the space of three calendar months next after the time of their being appointed assessors; and the said commissioners, to whom such assessments shall be so delivered, or any two of them, shall, within the space of one calendar month next after the receipt of the same respectively, or as soon after as conveniently may be, set their hands to the said respective assessments, and to such surcharge or surcharges as shall or may have been made in the mean time, either by the same assessors, or by such surveyor or surveyors, or inspector or inspectors as aforesaid, testifying their allowance of the same; and shall likewise nominate and appoint two of the persons, named or presented in each of such assessments, to be collectors, or any other two such persons as the said commissioners for the execution of this act, or any two or more of them, shall think able and responsible for the respective divisions and places for which collectors shall be so presented; and shall forthwith deliver, or cause to be delivered, such assessments, so by the said commissioners allowed of, unto the respective persons by them nominated to be collectors, who are hereby enjoined and required to collect and pay the duties so assessed, and to give acquittances for the same.

Surveyors under the before mentioned acts may inspect the lists before they are signed, and amend them.

XXXI. And be it further enacted, That all and every surveyor and surveyors, and inspector and inspectors, appointed and to be appointed under and by virtue of the said several acts relative to the duties on houses, and windows or lights, shall be, and he and they is and are hereby impowered and authorised to inspect and examine any list or lists to be made out and signed by any such person retaining or employing any such male or female servant or servants aforesaid, or any assessment or assessments for any parish or place, before the commissioners for the execution of this act shall have signed and allowed the same, and to alter and amend any such list or lists, or assessment or assessments, if he or they shall see just cause for so doing; and every person in whose custody any such lists or assessments shall be, shall, and he is hereby required, upon the request of any such surveyor or surveyors, or inspector or inspectors, as aforesaid, to produce the same: and if any such surveyor or surveyors, or inspector or inspectors, shall, after any such list or lists, and assessment or assessments, shall be so respectively made out, and signed and allowed as aforesaid, find and discover upon his or their survey or examination, that any person who ought to be charged with the duties granted by this act, or any of them, shall have been omitted to be charged therewith, or shall have been under-rated, such surveyor or surveyors, or inspector or in-

If surveyors discover any omissions after the lists are signed, they are to certify the same to the commissioners, etc.

spectors,

ſpectors, ſhall certify the ſame in writing under his or their hand or hands, according to the directions aforeſaid, by way of ſurcharge, to any two or more of the ſaid commiſſioners for the execution of this act, in order to have ſuch omiſſion or under-rate rectified in the ſaid aſſeſſments; and ſuch commiſſioners are thereupon to cauſe the ſame to be rectified, and the duties levied accordingly.

Penalty on neglecting to deliver liſts and declarations.

XXXII. *And whereas ſome perſons, liable to the duties granted by this act, may neglect to deliver ſuch liſts and declarations as are herein-before required*, be it further enacted, That where any perſon liable, under the directions herein-before contained, to deliver ſuch liſts or declaration as aforeſaid to the aſſeſſors, ſhall refuſe or neglect, within the time herein before preſcribed, to deliver, or cauſe to be delivered, any ſuch liſt or liſts, or declaration, to ſuch aſſeſſor or aſſeſſors, he or ſhe ſo refuſing or neglecting ſhall, for every ſuch offence, forfeit the ſum of ten pounds.

Maſters to be doubly rated for thoſe ſervants they omit in their liſts.

One half of which ſurcharge to be allowed the aſſeſſor or ſurveyor making the ſame.

XXXIII. *And, to the end that perſons keeping ſervants liable to the duties granted by this act, or any of them, may deliver, or cauſe to be delivered, to the aſſeſſor or aſſeſſors, true liſts and declarations of their reſpective ſervants*, be it further enacted, That in all caſes where any aſſeſſor, or ſurveyor or inſpector, ſhall make a ſurcharge upon any perſon for or in reſpect of his or her ſervant or ſervants, omitted to be inſerted in any ſuch liſt or declaration as aforeſaid, ſuch ſurcharge ſhall be made after the rate of double the duty of the ſervant ſo omitted; and the aſſeſſor or ſurveyor ſo making ſuch ſurcharge ſhall be, and he is hereby intitled to, and ſhall have and receive for his own uſe, one moiety of the ſum charged by every ſurcharge which ſhall be juſtly made upon any ſuch liſt or declaration.

Inhabitant houſeholders to deliver liſts of lodgers who keep ſervants,

containing the names of the parties;

on penalty of 10l.

XXXIV. *And whereas difficulties may ſometimes ariſe in diſcovering lodgers or inmates in any houſe, liable to pay the duties granted by this act*; be it therefore enacted, That the inhabitant houſeholder of any houſe, in which there ſhall be any lodger or inmate, keeping any ſervant or ſervants liable to the ſaid duties granted by this act, or any of them, ſhall, within a week after a requiſition, by notice in writing left at any ſuch houſe, from or by any aſſeſſor, ſurveyor, or inſpector of the ſaid duties on ſervants, deliver to, or leave for, ſuch aſſeſſor, ſurveyor, or inſpector, a liſt, in writing, of every lodger or inmate in ſuch houſe, who ſhall, at the time of delivering or leaving ſuch notice, retain or employ any ſervant liable to the ſaid duties granted by this act, or any of them, or ſhall have retained or employed any ſuch ſervant or ſervants from the tenth day of *October*, one thouſand ſeven hundred and eighty-four, to the fifth day of *July*, one thouſand ſeven hundred and eighty five, on the firſt aſſeſſment under this act; and from the fifth day of *April* in in each preceding year, on every future aſſeſſment; which liſt ſhall expreſs the chriſtian and ſurname of every ſuch lodger or inmate, and alſo of every ſuch ſervant or ſervants, to the beſt of the knowledge or information of ſuch inhabitant houſeholder: and if any inhabitant houſeholder ſhall refuſe or neglect

to deliver any such list as last herein-before mentioned, or shall wilfully omit or misrepresent any description which ought to be contained therein, he or she so offending shall, for every offence, forfeit ten pounds.

Persons over-rated may appeal to the commissioners.

XXXV. And be it further enacted, That if any person or persons shall think himself, herself, or themselves respectively overcharged or over-rated by any assessments, charge, or surcharge to be made by virtue or in pursuance of this act, it shall be lawful for him, her, or them respectively to appeal to the said commissioners for the execution of this act; and the said commissioners, or any two or more of them, shall, and they are hereby required to hear and determine all such appeals, except where it shall appear to the said commissioners that the person appealing shall have omitted to deliver in his or her list or lists, or declaration, in manner aforesaid, and shall not assign sufficient cause, to the satisfaction of the commissioners, in manner for such omission herein-before mentioned; provided that, at the time of hearing the same appeal, a list or lists shall be produced, by or on the part of the appellant, upon his or her oath, of the greatest number of servants, liable to the aforesaid duties granted by this act, of such appellant, within the district or limits of the place where such appeal shall be made, kept by him or her at any time between the tenth day of *October*, one thousand seven hundred and eighty-four, and the fifth day of *July*, one thousand seven hundred and eighty-five, with respect to the space of time which shall have elapsed between the said tenth day of *October*, one thousand seven hundred and eighty-four, and the said fifth day of *July*, one thousand seven hundred and eighty-five; or with respect to any future year, the greatest number of such servants which shall have been so kept by him or her within the year preceding the fifth day of *April* in every such year, with such description and explanation, and also such list or declaration as to other districts, as is herein-before required; and all such appeals shall be heard and determined, for the first assessment, on such days as the said commissioners for the execution of this act, or any two or more of them, shall appoint, and afterwards on the days to be appointed, and in the manner directed by the several acts herein-before mentioned with respect to the duties on houses, and windows or lights.

Appellant to deliver, on oath, a list of the greatest number of servants employed, etc.

Commissioners not to make any abatement in the charge, etc. unless it shall appear, on oath, that the appellant is over-rated.

XXXVI. And be it further enacted, That the said commissioners for the execution of this act, or any of them, shall not, upon the hearing any appeal, make any abatement or defalcation in the charge or surcharge made upon any person by such assessment as aforesaid, or the surcharge of any such surveyor or surveyors as aforesaid, but the same shall stand good and remain part of the annual assessment, unless it shall then appear to the said commissioners, by examination upon oath, that such person is over-rated in and by such assessments or surcharge; and every person intending to appeal to the said commissioners shall, and is hereby required to give at the least ten days

Ten days notice to be given of appeal.

days notice thereof to the said surveyor, or to one or more of the assessors of the parish or place wherein such person is rated, of such intention to appeal: and such surveyor or inspector and assessors may then and there attend to justify the said assessment and surcharge; and such surveyor, inspector, and assessor, and appellant, shall have full and free liberty to be present during all the time of hearing such respective appeals, and the determination of the said commissioners on the same: and the said commissioners are hereby authorised and impowered upon every such appeal, although they shall confirm the surcharge of such assessors, or surveyor or inspector, upon application of such appellant as aforesaid, to remit and strike off the penalty herein-before directed to be paid to such assessor, surveyor, or inspector, surcharging such list, if they shall be of opinion that there was any doubt whether the servant so surcharged was rateable within the meaning of this act, and was wilfully omitted by such appellant out of such list or lists, or declaration as aforesaid.

Commissioners, in certain cases, may remit the penalty before directed to be paid to the assessor, etc.

XXXVII. Provided always, and be it further enacted, That if, on such examination on the hearing of such appeal, it shall appear to the said commissioners for the execution of this act, that such surcharge was falsely and vexatiously made; then, and in such case, such surveyor, or assessor or inspector so surcharging, shall forfeit and incur such penalties and punishment as, in and by the said acts relative to the duties on houses, and windows or lights, are directed to be inflicted on surveyors, or inspectors or assessors, for neglect of duty.

Penalty on surveyors, etc. for making a false surcharge.

XXXVIII. And be it further enacted, That all appeals, once heard and determined by the said commissioners of this act, or any two or more of them, or the major part of them then present, on the day or days by them appointed for hearing of appeals, shall be final, except as herein-after excepted.

Determination of commissioners to be final; except, etc.

XXXIX. And be it further enacted, That if either the said surveyor or inspector, or the person so appealing, in that part of *Great Britain* called *England*, or in *Wales*, or in *Berwick upon Tweed*, shall apprehend the determination made by the said commissioners to be contrary to the true intent and meaning of this act, and shall then declare himself or herself dissatisfied with such determination, it shall and may be lawful to and for such surveyor or inspector, or person so appealing respectively, to require the said commissioners for the execution of this act to state specially, and sign the case upon which the question arose, together with their determination thereupon; and the said commissioners, or the major part of them then present, are hereby required to state and sign such case accordingly, and to cause the same to be delivered to the party making such request as aforesaid, to be by him or her transmitted to one of the justices of the court of king's bench or common pleas, or to one of the barons of the court of exchequer, for the time being; and every such justice and baron is hereby required, with all convenient speed, to return an answer to such case so transmitted,

Persons dissatisfied may, in England, appeal to the court of king's bench;

mitted, with his opinion thereupon ſubſcribed thereto; according to which opinion ſo certified, the aſſeſſment which ſhall have been the cauſe of the appeal ſhall be altered or confirmed:

and in Scotland, to the court of ſeſſion, etc.

and if either the ſaid ſurveyor or inſpector, or the perſon ſo appealing, in that part of *Great Britain* called *Scotland*, ſhall apprehend the determination made by the ſaid commiſſioners to be contrary to the true intent and meaning of this act, and ſhall then declare himſelf or herſelf diſſatisfied with ſuch determination, it ſhall and may be lawful to and for ſuch ſurveyor, or perſon diſſatisfied reſpectively, to require the ſaid commiſſioners, or the major part of them then preſent, to ſtate ſpecially, and ſign the caſe upon which the queſtion aroſe, together with their determination thereupon; and the ſaid commiſſioners are hereby required to ſtate and ſign ſuch caſe accordingly, and to cauſe the ſame to be delivered to the party making ſuch requeſt as aforeſaid, to be by him or her tranſmitted to one of the judges of the court of ſeſſion, or of the barons of the exchequer in *Scotland*; and every ſuch judge and baron is hereby required, with all convenient ſpeed, to return an anſwer to ſuch caſe ſo tranſmitted, with his opinion thereupon ſubſcribed thereto; according to which opinion ſo certified, the aſſeſſment which ſhall have been the cauſe of ſuch appeal, ſhall be altered or confirmed.

Proviſo, relative to caſes tranſmitted to the judges.

XL. Provided always, and be it further enacted, That notwithſtanding any ſuch caſe ſo tranſmitted to any of the ſaid juſtices, judges, or barons, the determination of the ſaid commiſſioners for the execution of this act ſhall ſtand, with reſpect to the payments which ſhall become due, precedent to the opinion certified by any ſuch juſtice, judge, or baron, upon ſuch caſe.

Monies ariſing from this act to be paid into the exchequer, and entered ſeparate from all others.

XLI. And be it further enacted, That there ſhall be kept in the office of the auditor of the receipt of his Majeſty's exchequer a book or books, in which all the monies ariſing from the ſaid duties granted by this act, and paid into the ſaid receipt, ſhall be entered ſeparate and apart from all monies paid or payable to his Majeſty, his heirs and ſucceſſors, upon any account whatſoever; and all monies ſo paid into the ſaid receipt under this act, ſhall be appropriated in manner following; (that is to ſay), the annual ſum of fifty-one thouſand pounds, part of the duties ariſing by this act, ſhall be carried to, and made part of, the fund commonly called *The Sinking Fund*, as is directed by the ſaid recited act of the ſeventeenth year of his preſent Majeſty, in reſpect to the duties on male ſervants thereby granted; and the remainder of the duties granted by this act, ſhall be a fund for the payment of the annuities, and all ſuch other charges and expences as are directed to be paid and payable purſuant to an act of this preſent ſeſſion of parliament, (intituled, *An act for granting annuities to ſatisfy certain navy, victualling, and tranſport bills, and ordnance debentures.*)

Application thereof.

Penalties exceeding 20l.

XLII. And be it further enacted, That every penalty or forfeiture which ſhall be incurred under this act of a greater ſum than

than twenty pounds, shall be recovered in any of his Majesty's courts of record at *Westminster*, if the matter shall arise within *England* or *Wales*, or the town of *Berwick upon Tweed*; or in the court of session, court of justiciary, or court of exchequer in *Scotland*, if the matter shall arise in that part of the united kingdom, by action of debt, bill, plaint, or information; wherein no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed; and one moiety of every such penalty or forfeiture shall belong to his Majesty, his heirs or successors, and the other moiety thereof to the person or persons who shall inform and sue for the same. where to be recovered.

XLIII. And be it further enacted, That, in all cases where the penalty by this act imposed doth not exceed the sum of twenty pounds, it shall be recoverable before two or more justices of the peace of the county, riding, shire, stewartry, division, city, liberty, town, or place, wherein the offence shall be committed, on proof of the offence, either by the voluntary confession of the party or parties accused, or by the oath of one or more credible witness or witnesses; and one moiety of every such last mentioned penalty shall belong to his Majesty, his heirs and successors, and the other moiety to the informer or informers prosecuting for the same; and in case of nonpayment shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of such justices; and the overplus of the money raised, after deducting the penalty, and the expences of the distress and sale, shall be rendered to the owner; and, for want of sufficient distress, the offender shall be sent by such justices to the prison of such county, riding, shire, stewartry, division, city, liberty, town, or place, for such time, not exceeding six months, nor less than one month, as such justices shall think most proper. Penalties not exceeding 20l. recoverable before two justices; and may be levied by distress.

XLIV. And be it further enacted, That all constables and headboroughs, tithingmen, and other his Majesty's officers, shall and are hereby required and enjoined to be respectively aiding and assisting in the execution of this act, and to obey and execute such precepts or warrants as shall be to them directed in that behalf by the respective commissioners hereby appointed, or any three or more of them. Constables, etc. to be aiding in executing this act.

XLV. And be it further enacted, That all actions, suits, or informations, for any offence against this act, shall be brought within one year after the offence committed, and being brought after the time so limited, shall be void; and if any person or persons shall at any time or times be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, or of any clause, matter or thing, herein contained, such person or persons may plead the general issue, and give the special matter in evidence, for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs. Limitation of actions. General issue. Treble costs.

CAP. XLIV.

An act for regulating insurances on ships, and on goods, merchandizes, or effects.

Preamble.

WHEREAS *it hath been found by experience, that the making or effecting insurances on ships or vessels, and on goods, merchandizes, and effects in blank, and without specifying therein the name or names of any person or persons for whose use and benefit, or on whose account, such insurances are made or effected, hath been, in many respects, mischievous, and productive of great inconveniencies*; for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, it shall not be lawful for any person or persons, who shall live or reside in *Great Britain*, to make or cause to be made any policy or policies of assurance upon his, her, or their interest in any ship or ships, vessel or vessels, or on any goods, merchandizes, effects, or other property, without inserting in such policy or policies, his, her, or their own name or names, as the person or persons interested therein, or the name or names of the person or persons who shall effect the same, as the agent or agents of the person or persons so really interested therein, or for whose use or benefit, or on whose account, such policy or policies is or are so made or underwrote; and that it shall not be lawful, from and after the said fifth day of *July*, one thousand seven hundred and eighty-five, for any person or persons who shall not live or reside in *Great Britain*, to make or cause to be made any policy or policies of assurance upon his, her, or their interest in any ship or ships, vessel or vessels, or on any goods, merchandizes, effects, or other property, without inserting in such policy or policies the name or names of the agent or agents of the person or persons so really interested therein, or for whose use or benefit, or on whose account, the same is or are so made or underwrote; and that every policy or policies of assurance, made or underwrote contrary to the true intent and meaning hereof, shall be null and void to all intents and purposes whatsoever.

From July 5, 1785, no policy of insurance on ships or goods to be made, without inserting therein the names of the persons interested, or of their agents.

Policies made contrary hereto, shall be void.

CAP. XLV.

An act for reducing the time for the imprisonment of debtors committed to prison, upon prosecutions in courts of conscience, in London, Middlesex, *and the borough of* Southwark, *to the same periods in each court; and for abolishing fees paid by those debtors to gaolers, or others, on account of such imprisonment.*

Preamble.

WHEREAS, *by various acts of parliament now in force, and made to establish or regulate courts for the recovery of small debts, particularly in the city of* London, *the county of* Middlesex, *the*

the city and liberty of Westminster, *the* Tower Hamlets, *and within the town and borough of* Southwark, *there is no uniform time limited for the duration of the imprisonment of the defendant or debtor, against whom an execution, process of contempt, or precept in the nature of an execution, is issued for nonpayment of such debts and costs, sum or sums of money, as by the order or orders of such courts, such debtor or defendant is ordered or directed to pay, but such debtors or defendants are by such acts of parliament to be committed to prison, there to remain for an indefinite length of time, until he, she, or they, shall perform the order of the court or commissioners in that behalf, so that it frequently happens that a poor person who is not of ability to pay a debt of or under forty shillings, is imprisoned for many months, and sometimes for years, without a possibility of being discharged: and whereas it often happens that poor persons who are committed to prison by virtue of, and in pursuance of the said acts of parliament, for a trifling debt, are kept in custody, after they have been enabled to pay and discharge such debt, for gaol fees, notwithstanding it does not appear by the table of fees in such acts of parliament, that any gaol fees whatever are to be taken or paid:* for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twenty-fourth day of *June*, one thousand seven hundred and eighty-five, no person or persons whomsoever, being a debtor or defendant, and who have been, or shall be committed, to any gaol or prison, by order of any court, or commissioners authorised by virtue of any act or acts of parliament, to constitute or regulate any court or courts for the recovery of small debts, in the city of *London*, in the county of *Middlesex*, and town and borough of *Southwark*, in the county of *Surrey*, where the debt does not exceed twenty shillings, shall be kept or continued in custody, on any pretence whatsoever, more than twenty days from the time of his, her, or their commitment to prison: and where the debt does not amount to, or exceed the sum of forty shillings, more than forty days from the time of his, her, or their commitment as aforesaid; and all gaolers, keepers, or turnkeys, are hereby directed and required to discharge such persons accordingly.

From June 24, 1785, debtors committed to prison by courts of conscience in London, Middlesex, etc. for a debt of 20s. or under, not to be confined more than 20 days; and not exceeding 40s. for more than 40 days.

II. And be it further enacted by the authority aforesaid, That when the time shall expire for which such person or persons respectively shall have been committed or sent to any gaol or prison as aforesaid, every such person or persons shall immediately be discharged and set at liberty without paying any sum or sums of money, fee or fees, or other reward or gratuity whatsoever, to the gaoler, keeper, or turnkey of such gaol or prison, or others, by way of gaol fees, or discharge fees, or otherwise, on any pretence whatsoever; and every gaoler, keeper, or turnkey, of any such gaol or prison, or others, demanding, taking, or receiving any fee or fees, sum or sums of money whatsoever, upon the discharge of any such person or persons

Such prisoners to be discharged without paying gaol fees.

Penalty on gaolers, etc. demanding fees.

persons so to be committed to his custody as aforesaid, or keeping or detaining any such person or persons prisoner or prisoners, after the time for which he, she, or they, shall be committed as aforesaid, shall forfeit and pay the sum of five pounds.

Two justices may determine offences against this act.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any two justices of the peace where the offence shall be committed, to hear and determine any offence against this act; which said two justices of the peace are hereby authorised and required, upon any information exhibited, or complaint made before them of such offence having been committed, to summon the party accused, and also the witnesses on either side, and to examine into the matter of fact; and upon due proof made thereof by the oath of one or more credible witness or witnesses, or by the voluntary confession of the party, to give judgement or sentence for the penalty or forfeiture as in and by this act is directed, and to award and issue out their warrant under their hand and seal for levying the said penalty of five pounds so adjudged on the goods of the offender, and to cause sale to be made thereof, in case they shall not be redeemed in four days, rendering to the party the overplus, (if any;) and where the goods of such offender cannot be found sufficient to answer the penalty, to commit such offender to prison, there to remain for the space of two months, unless such penalty shall be sooner paid and satisfied.

Penalties may be levied by distress,

or the offender committed.

Application of forfeitures.

IV. And be it further enacted, That all forfeitures and penalties inflicted by this act (the necessary charges for the recovery thereof being first deducted) shall be divided and distributed, one moiety thereof to be paid to the churchwardens or overseers of the poor, for the support and maintenance of the poor of the parish in which the offence was committed, and the other moiety to the person or persons who shall inform and sue for the same.

Complaints of offences to be made within two months.

V. Provided also, and be it enacted, That no person or persons shall be liable to be convicted before any justices of the peace for any offence committed against this act, unless complaint or information shall be made or exhibited against such person or persons within two calendar months after such offence committed.

Process not to issue against both body and goods of the same party.

VI. Provided always, and be it enacted, That it shall not be lawful for any such court or commissioners to issue any process against the body or bodies of any person or persons, where the party intitled to the benefit of any order, judgement, or decree, shall, at the same time, have obtained any warrant or process against the goods and chattels of the same person or persons.

Qualification of commissioners for executing the aforesaid acts.

VII. And be it further enacted, That, from and after the twenty-fourth day of *June*, one thousand seven hundred and eighty five, no person shall be capable of acting as a commissioner in the execution of the several acts herein-before mentioned, unless such person shall be a householder within the district,

ſtrict, city, liberty, or place, for which he ſhall act, and ſhall be poſſeſſed of a real eſtate of the annual value of twenty pounds, or of a perſonal eſtate of the value of five hundred pounds: and if any perſon, not being ſo qualified, ſhall preſume to act as a commiſſioner in the execution of any of the ſaid acts, ſuch perſon ſo acting ſhall forfeit and pay the ſum of twenty pounds to any perſon or perſons who ſhall ſue for the ſame; to be recovered in any of his Majeſty's courts of record at *Weſtminſter*, with full coſts of ſuit, by action of debt, or on the caſe, wherein no eſſoin, protection, privilege, or wager of law, or more than one imparlance, ſhall be allowed; and the perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid penalty, upon proof being given of his having acted as a commiſſioner in the execution of any of the ſaid acts; provided ſuch action or ſuit be commenced within ſix calendar months next after the offence committed.

Penalty on acting not being qualified.

VIII. And be it further enacted, That this act ſhall be deemed, adjudged, and taken to be a publick act; and ſhall be judicially taken notice of as ſuch, by all judges, juſtices, and other perſons whomſoever, without ſpecially pleading the ſame.

Publick act.

CAP. XLVI.

An act for the more effectual tranſportation of felons, and other offenders, in that part of Great Britain *called* Scotland, *and to authorize the removal of priſoners in certain caſes.*

WHEREAS *an act was paſſed in the laſt ſeſſion of parliament, intituled,* An act for the effectual tranſportation of felons, and other offenders; and to authorize the removal of priſoners in certain caſes; and for other purpoſes therein mentioned: *and whereas the ſaid act does not extend to that part of* Great Britain *called* Scotland; *but it is expedient that his Majeſty be empowered, with the advice of his privy council, to appoint certain places, as well out of his Majeſty's dominions as within the ſame, to which criminals, when condemned to tranſportation in that part of the kingdom, may be conveyed; and that other regulations be made for the more effectual tranſportation of ſuch offenders there:* may it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, from and after the firſt day of *July*, one thouſand ſeven hundred and eighty-five, when any perſon or perſons ſhall be lawfully convicted, before any court, competent for the trial of crimes in *Scotland*, of any offence for which the puniſhment of tranſportation or baniſhment beyond ſeas may be inflicted, it ſhall and may be lawful for the ſaid court to order and adjudge, that ſuch perſon or perſons ſo convicted as aforeſaid, ſhall be tranſported beyond the ſeas, in like manner as now is in uſe; and, in every ſuch caſe,

Preamble.

Recital of 24 Geo. 3. c. 56.

Perſons convicted of tranſportable crimes in Scotland, may be tranſported,

to such places as his Majesty, in council, shall appoint.

case, it shall and may be lawful for his Majesty, by and with the advice of his privy council, to declare and appoint to what place or places, part or parts beyond the seas, either within his Majesty's dominions, or elsewhere out of his Majesty's dominions, such offenders shall be conveyed or transported; and such court is hereby authorized and impowered to adjudge the services of such offenders, and to order them to be transferred to the use of any person or persons, and his or their assigns, who shall contract for the due performance of such transportation: and when his Majesty, his heirs and successors, shall be pleased to extend mercy to any offender or offenders, who hath or have been, or shall be under sentence of death, in that part of *Great Britain* called *Scotland*, upon condition of transportation to any place or places, part or parts beyond seas, either for term of life, or any number of years, and such intention of mercy shall be signified by one of his Majesty's principal secretaries of state, it shall be lawful for any court, having proper authority, to allow such offender or offenders the benefit of a conditional pardon, and (except in cases where such offender or offenders shall be authorized by his Majesty to transport himself, herself, or themselves) to order the transfer of such offender or offenders to any person or persons who shall contract for the due performance of such transportation, and his or their assigns, for such and the same term of years for which any such offender or offenders shall have been ordered to be transported, or for such term of life or years as shall be specified in such condition of transportation as aforesaid; and such person or persons so contracting as aforesaid, his or their assigns, by virtue of such order of transfer as aforesaid, shall have a property in the services of such offender or offenders for such terms respectively.

If his Majesty should extend his mercy to any offender capitally convicted, the court may order him to be transported.

II. And be it further enacted by the authority aforesaid, That the person or persons so contracting as aforesaid, to whom any offender shall be delivered in order to be transported, or any other person or persons lawfully authorized, may, in such manner as they shall think fit, carry and secure the said offenders in and through any county of *Great Britain*, towards the sea port or place from whence they are to be transported; and if any person or persons shall rescue such offenders, or any of them, or assist them, or any of them, in making their escape from such person or persons as shall have them in their custody, as aforesaid, he, she, or they shall be adjudged guilty of felony, and shall suffer death as in cases of felony, without benefit of clergy by the law of *England*.

Persons contracting to transport offenders, may carry them through any county to the sea-port. Penalty on rescuing them, etc.

III. And be it further enacted by the authority aforesaid, That if any offender or offenders, who shall be so ordered by such court as aforesaid, to be transported beyond the seas, or who shall agree to transport himself or herself for certain conditions, either for life or any number of years, to any such place or places, part or parts, as shall be appointed by his Majesty in manner aforesaid, shall be afterwards at large within any part of the kingdom of *Great Britain* or *Ireland*, without some lawful cause,

If any person ordered for transportation, etc. shall be found at large in Great Britain or Ireland, before the expira-

cause, before the expiration of the term for which such offender or offenders shall have been ordered to be transported beyond the seas, or shall have so agreed to transport himself or herself as aforesaid, every such offender being at large as aforesaid, being thereof lawfully convicted, shall suffer death as in cases of felony, without benefit of clergy, by the law of *England*; and such offender or offenders, being so found at large in that part of *Great Britain* called *Scotland*, may and shall be tried there before any court of competent jurisdiction for the trial of the original offence: and whoever shall discover and prosecute to conviction any such offender or offenders, so being at large as aforesaid, shall be entitled to a reward of twenty pounds for every such offender so convicted: provided nevertheless, That his Majesty, his heirs and successors, may pardon and dispense with such transportation, and allow of the return of any such offender to the kingdom of *Great Britain*.

tion of his term, he shall suffer death.

Persons discovering and prosecuting such offenders, intitled to a reward of 20l.

IV. And be it enacted by the authority aforesaid, That, from and after the passing of this act, it shall be lawful for his Majesty, from time to time, by an order in writing, to be notified by one of his principal secretaries of state, or for any two or more of the lords of justiciary in *Scotland*, who shall be authorized by his Majesty under his sign manual, to direct the removal of any male offender or offenders who now is or are, or hereafter shall be under sentence of death, but reprieved during his Majesty's pleasure, or under sentence or order of transportation, in that part of *Great Britain* called *Scotland*, and who, having been examined by an experienced surgeon or apothecary, shall appear to be free from any putrid or infectious distemper, and fit to be removed from the gaol or prison in which such offender or offenders shall be confined, to such place of confinement within *Great Britain*, either at land or on board any ship or vessel in the River *Thames*, or any navigable or other river, or within the limits of any port of *Great Britain*, as his Majesty, or others legally authorised as aforesaid, shall from time to time appoint; and every offender, who shall be so removed, shall continue in the said place of confinement, or be removed to or confined in any other such place or places as aforesaid, as his Majesty, or any others duly authorised as aforesaid, from time to time, shall appoint, until such offender shall be transported according to law, or by the expiration of the term of such transportation, or otherwise, shall be intitled to his liberty, or until such offender be returned to the gaol or prison from which he shall have been so removed; and the sheriff, magistrate, or gaoler, having the custody of any offender, whose removal shall be ordered in manner aforesaid, shall, with all convenient speed, after the receipt of the notification of any such order, convey, or cause to be conveyed, every such offender to the place appointed, and there deliver him, together with a certificate, containing his christian name, surname, and age, and also the offence for which, and the court in which he was convicted, and the

His Majesty impowered to order, or to authorise two lords of justiciary to order, the removal of male prisoners under sentence of death, etc. from any gaol in Scotland to any other in Great Britain, etc.

Gaoler to deliver offenders according to such orders, with a proper certificate.

the purport of his or her sentence, to the overseer or overseers of the said place to which such offender is so sent, who shall give a proper receipt, in writing, to the sheriff, magistrate, or gaoler, for his exoneration.

Expences of removal how to be paid.

V. And be it enacted by the authority aforesaid, That all fees and expences attending such removal, shall be paid in the same manner as has been practised in *Scotland* in the case of transportation beyond seas.

Overseers, to whom such prisoners are delivered, to have the same powers over them as gaolers, etc.

VI. And be it enacted by the authority aforesaid, That after the removal of any offender under this act, the overseer who shall have the custody of him shall, during the term of such custody, have the same powers over him as are incident to the office of a sheriff or gaoler, and in like manner be answerable for any escape of such offender, and also, during such custody, shall feed and cloath such offender, and shall keep him to labour at such places, and under such directions, limitations, and restrictions, as his Majesty, or others duly authorised as aforesaid, shall, from time to time, by any order to be directed to such overseer or overseers for their instruction, appoint.

Time of imprisonment to be deemed part of the term of transportation. Overseers may inflict moderate punishment for misbehaviour, etc.

VII. And it is hereby declared, That the time during which any offender shall have continued in gaol under sentence of transportation, or, being removed under the provisions aforesaid, shall continue confined by virtue of this act, shall be taken and reckoned in discharge, or part discharge or satisfaction of the term of his transportation: and if, during such confinement under this act, he shall be guilty of any disorderly conduct, it shall be lawful for the overseer or overseers, having the custody of him, to inflict, or cause to inflict such moderate punishment or correction as may be inflicted by law on persons committed to a house of correction; and if any such offender shall break from, or unlawfully escape from the custody of such overseer, or overseers; or if any person shall rescue, or attempt to rescue, or assist in rescuing, any such offender from such custody; or shall convey, or cause to be conveyed, any disguise, instrument, or arms, to such offender; every such offence shall be punishable in the same manner as if such offender had been confined in a gaol or prison, in the custody of the sheriff, magistrate, or gaoler, for the crime of which such offender shall have been convicted.

If offenders cannot conveniently be transported to the place mentioned in their sentence, two judges of the court of justiciary may order them to

VIII. And be it further enacted by the authority aforesaid, That if any offender, within that part of *Great Britain* called *Scotland*, hath already been ordered to be transported to any part beyond the seas, or if any order shall at any time hereafter be made for the transportation of any such offender, and such order cannot be conveniently executed with respect to the place in such order mentioned, it shall be lawful for any two or more of the judges of the court of justiciary to order that such offender shall be transported to any other part or place beyond the seas, which shall have been appointed by his Majesty, with the advice of his privy council as aforesaid, for the transportation

tion of such offenders, in such and the like manner, and for the same term of years, as such offender is or shall be liable to be transported to the place mentioned in the original sentence or order for his or her transportation; and such order shall be considered as made at the same time, and shall be as effectual to every intent and purpose, and shall have all the same consequences in every respect, as the original order for the transportation of such offender; and such offender shall be transferred, conveyed, and made over, to any person who will contract for the performance of such transportation, and to his or their assigns, in like manner as if such offender had been transported to the place mentioned in the original order of transportation; and such person or persons so contracting as aforesaid, his or their assigns, by virtue of such order of transfer as aforesaid, shall have a property in the service of the said offender, for the remainder of the term for which the offender was originally ordered to be transported; and in case such offender so ordered for transportation, shall be afterwards at large within any part of the kingdom of *Great Britain*, without some lawful cause, before the expiration of the term for which such offender shall have been ordered to be transported, every such offender, being thereof lawfully convicted, shall suffer death, as in cases of felony, without benefit of clergy, and shall be tried before such judges, and in such manner, and the same evidence made use of for his or her conviction, as shall be directed by the laws now in being, or hereafter to be made, for the trial of other offenders found at large within this kingdom before the expiration of the term for which they were ordered to be transported; and whoever shall discover and prosecute to conviction any such offender, so being at large within this kingdom as aforesaid, shall be intitled to a reward of twenty pounds for every such offender so convicted.

Persons to be transported to any other place appointed by his Majesty for the transportation of such offenders.

Offenders returning before the expiration of their term, to suffer death.

20l. reward for prosecuting such offenders.

IX. And be it further enacted by the authority aforesaid, That all actions, suits, and prosecutions, to be commenced against any person or persons, for any thing done in pursuance of this act, shall be laid and tried in the county and place where the fact was committed, and shall be commenced within six calendar months after the fact committed, and not otherwise.

Limitation of actions.

X. And be it enacted by the authority aforesaid, That the provisions of this act, so far as the same extend to authorise the removal of offenders to temporary places of confinement, shall continue to be in force until the first day of *June*, one thousand seven hundred and eighty-seven, and from thence until the end of the then next session of parliament.

Continuance of this act.

CAP.

CAP. XLVII.

An act for transferring the receipt and management of certain duties therein mentioned from the commissioners of excise, and the commissioners of stamps respectively, to the commissioners for the affairs of taxes; and also for making further provisions in respect to the said duties so transferred.

Preamble.

Coaches, etc. 20. Geo. 2. c. 10.

WHEREAS *by an act, made in the twentieth year of his late majesty King* George *the Second, intituled,* An act for granting to his Majesty several rates and duties upon coaches, and other carriages therein mentioned; and for raising the sum of one million, by way of lottery, to be charged upon the said rates and duties; *it was enacted, That, from and after the twenty-fifth day of* March, *one thousand seven hundred and forty-seven, there should be raised and paid, unto and for the use of his Majesty, his heirs and successors, for and upon every coach, berlin, landau, chariot, calash with four wheels, chaise-marine, chaise with four wheels, and caravan, or by what name soever such carriages then were, or thereafter might be called or known, that should be kept by or for any person for his or her own use, or to be let out to hire, (except such coaches and other carriages as then were, or thereafter might be licensed by the commissioners for the duties arising by hackney coaches,) the yearly sum of four pounds; and for and upon every calash, chaise, and chair, with two wheels, or by what name soever such carriages then were, or thereafter might be called or known, to be drawn by one or more horses, that should be kept by or for any person or persons for his or their own use, or to be let out to hire, the yearly sum of forty shillings; which said several rates and duties should be paid by the person or persons keeping such carriages; and the said rates and duties were put under the management of the commissioners of excise in* England *and* Scotland *respectively; in which act there was a clause, exempting publick stage coaches from the said duty of four pounds: and whereas by an act, made in the*

16 Geo. 3. c. 34.

sixteenth year of his present Majesty, intituled, An act for granting to his Majesty several duties on coaches, and other carriages therein mentioned; and several rates and duties upon indentures, leases, bonds, and other deeds; and upon cards, dice, and newspapers; and for raising the sum of two millions by annuities, and a lottery to be attended with annuities; *an additional duty of twenty shillings a year was imposed upon every four-wheeled carriage, liable to the duty of four pounds by the said act of the twentieth year of his late Majesty; which before mentioned act of the sixteenth year of his present Majesty also imposed the yearly duty of five pounds for and upon every coach, berlin, landau, chariot, calash with four wheels, chaise marine, chaise with four wheels, and caravan, or by what name soever such carriages then were, or thereafter might be called or known, that should be kept by or for any person or persons as publick stage coaches, (except such coaches and other carriages as then were, or thereafter might be licensed*

licensed by the commissioners for the duties arising by hackney coaches,) to be paid by the person or persons keeping the same, who were to be under the like rules, directions, and penalties, as persons keeping coaches for their own use, or to let out for hire, were by the said act of the twentieth of George *the Second: and whereas, by virtue of an act, made in the nineteenth year of his present Majesty, intituled,* An act for granting to his Majesty additional duties upon the produce of the several duties under the management of the respective commissioners of the customs and excise in *Great Britain; and of two other acts, one made in the twenty-first year of his present Majesty, and the other in the twenty-second year of his present Majesty, three several additional duties of five pounds* per centum *became charged upon the produce and amount of the said duties, so laid by the said recited acts of the twentieth year of* George *the Second, and sixteenth year of his present Majesty: and whereas by an act, made in the twenty-second year of his present Majesty, there was charged an additional duty of twenty shillings a year for and upon every coach, berlin, landau, chariot, calash with four wheels, chaise-marine, chaise with four wheels, and caravan, or by what name soever such carriages then were or thereafter might be called or known, that should be kept by or for any person for his or her own use, or to be let out to hire, or that should be kept by or for any person or persons as publick stage coaches (except such coaches and other carriages as then were, or thereafter might be licensed by the commissioners for the duties arising by hackney coaches;) and also for and upon every calash, chaise, and chair with two wheels, or by what name soever such carriages then were or thereafter might be called or known, to be drawn by one or more horses, that should be kept by or for any person or persons for his, her, or their own use: and it was further enacted, That the said several additional duties therein before granted should be moreover subject to the additional duty of five pounds* per centum *and five pounds* per centum *on the produce thereof respectively, in the same manner as the additional duties of five pounds* per centum *and five pounds* per centum *were granted by the said recited acts of the nineteenth year and the twenty-first year of his present Majesty: and whereas, by an act made in the twenty-third year of his present Majesty, intituled,* An act for granting to his Majesty several rates and duties upon waggons, wains, carts, and other such carriages, not charged with any duty under the management of the commissioners of excise, *it was enacted, That, from and after the first day of* November, *one thousand seven hundred and eighty-three, there should be paid unto his Majesty, his heirs and successors, the several rates and duties following, (that is to say;) That every person who should keep any waggon, wain, cart, or other such carriage, with three or four wheels (except such carriages as then were charged with any duty under the management of the commissioners of excise,) should yield and pay annually four shillings for every such waggon, wain, or other such carriage as aforesaid, which should be expressed in a licence for that purpose; and that every person who should keep any cart or other carriage with two wheels (except such*

19 Geo. 3. c. 25.

21 Geo. 3. c. 17. and 22 Geo. 3. c. 66.

23 Geo. 3. c. 66.

carriages as were then charged with any duty under the management of the commissioners of excise,) should yield and pay annually two shillings for every such cart or other carriage, which should be expressed in a licence for that purpose; and the said duties were placed under the receipt and management of the commissioners of stamps: and whereas by an act, passed in the last session of parliament, intituled, An act for granting to his Majesty certain duties on horses kept for the purpose of riding, and on horses used in drawing certain carriages, in respect whereof any duty of excise is made payable, *it was enacted, That, from and after the twenty-ninth day of* September, *one thousand seven hundred and eighty-four, there should be paid, throughout the kingdom of* Great Britain, *unto his Majesty, his heirs and successors, amongst other duties, the duties following; (that is to say,) every person who should keep and use any horse, mare, or gelding, for the purpose of riding, or for the purpose of drawing any coach, berlin, landau, chariot, calash, chaise, or any other carriage, by whatsoever name such carriage was then or thereafter might be called or known, for or in respect whereof any rate or duty under the management of the commissioners of excise, then was payable by any statute then in force, should yield and pay annually for every horse, mare, or gelding, the sum of ten shillings; and for levying the said duty on horses it was enacted, That the same should be under the government, care, and management of the commissioners of stamps, in manner therein mentioned; in which said act is contained a proviso, exempting from the said duty certain horses therein particularly described: and whereas it is expedient that the said duties on carriages, now or heretofore under the management of the commissioners of the excise, granted by the said several and recited acts, should be repealed;* be it further enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, the said duties, imposed by the said several and recited acts, shall cease, determine, and be no longer paid or payable.

24 Geo. 3. c. 31.

The duties granted by the recited acts repealed.

New duties.

II. And be it further enacted, That, for and in lieu of the said duties, there shall be charged and paid unto and for the use of his Majesty, his heirs and successors, the respective duties following; (that is to say,)

For every coach, landau, or other four wheeled carriage, (except hackney coaches)

7l. per ann.

For and upon every coach, berlin, landau, chariot, calash with four wheels, chaise-marine, chaise with four wheels, and caravan, or by what name soever such carriages now are or hereafter may be called or known, that shall be kept by or for any person for his or her own use, or to be let out to hire (except such coaches and other carriages as now are or hereafter may be licensed by the commissioners for the duties on hackney coaches,) the yearly sum of seven pounds:

For every calash, chaise, or

For and upon every calash, chaise, or chair with two or three wheels, or by what name soever such carriages now are

or

or hereafter may be called or known, to be drawn by one or more horses, that shall be kept by or for any person or persons for his or their own use, or to be let out to hire, the yearly sum of three pounds and ten shillings.

other carriage with two or three wheels 3l. 10s. per ann.

III. *And whereas it is apprehended, that the said recited duties on carriages and horses may be more conveniently and effectually collected under the management of the commissioners for the affairs of taxes, than under the management of the said commissioners of excise and stamps respectively*; be it therefore enacted, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, the several powers, rules, methods, regulations, and provisions by the said recited acts of the twentieth year of the reign of his late majesty King *George* the Second, and the sixteenth, nineteenth, twenty-first, and twenty-second years of his present Majesty, or any of them, given, prescribed, and made, for ascertaining, paying, collecting, and securing the said recited duties on carriages, under the management of the commissioners of excise; and also, that from and after the tenth day of *October*, one thousand seven hundred and eighty-five, the several powers, rules, methods, regulations, and provisions, by the said recited acts of the twenty-third and twenty-fourth years of his present Majesty, or either of them, given, prescribed, and made, for ascertaining, paying, collecting, and securing the said recited duties on waggons, wains, and other such carriages not charged with any duty under the management of the commissioners of excise; and also on horses kept for the purpose of riding, or in drawing certain carriages, in respect whereof any duty of excise is made payable, or for limiting the time or manner of paying the same, and all penalties and forfeitures in respect thereof, shall cease and determine.

From July 5, 1785, the provisions in the recited acts which place the duties under the management of commissioners of excise and of stamps repealed.

IV. Provided always, and be it enacted, That nothing in this act contained shall extend, or be construed to extend, to remove from the management of the commissioners of stamps the licences granted by them to any person or persons exercising the trade and business of an horse dealer, nor to remove the management of the duties charged on the owners of horses entered to start or run for any plate, prize, sum of money, or other thing.

Not to remove from commissioners of stamps the licences granted to horse dealers, etc.

V. Provided always, and be it further enacted, That, from after the said fifth day of *July*, one thousand seven hundred and eighty-five, so much of the said recited act of the twenty-third year of his present Majesty, charging duties upon waggons, and other carriages therein mentioned, as requires the said duties to be expressed in a licence for keeping such waggons and carriages, shall be no longer in force, but from thenceforth the same duties shall be payable as if they had been granted without requiring the form of any such licence.

Licences for keeping waggons not necessary.

VI. Provided also, and be it further enacted, That nothing herein-before contained shall be construed to affect the recovery of any arrears which may, on the said fifth day of *July* or tenth

Not to affect the recovery of arrears or of forfeitures.

day of *October*, one thousand seven hundred and eighty-five, respectively, remain unpaid of any of the said duties, the receipt and management of which are transferred by this act, or the recovery of any penalty or forfeiture which may have been incurred on or before the same days.

From July 5, 1785, the duties on carriages, the duties on waggons, etc. and on horses, shall be assessed, etc. by such persons, and in like manner, as the duties on houses and windows, granted by 20 Geo. 2. c. 3;

VII. And be it further enacted, That, from and after the said fifth day of *July*, one thousand seven hundred and eighty-five, the duties hereby imposed on carriages, heretofore under the management of the commissioners of excise, and also the said duties on waggons, wains, and other such carriages, and on horses, charged by the said recited acts, or any of them, shall be assessed, raised, levied, collected, and received, by such persons, in such and the like form and manner, and with such allowances, and under such penalties, forfeitures, and disabilities, and according to such rules, methods, and directions, as are prescribed or appointed for assessing, raising, levying, collecting, receiving, and paying the duties on houses, and windows or lights, in and by an act, made in the twentieth year of the reign of his late Majesty, intituled, *An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties*; and by another act, made in the twentieth year of the reign of his said late Majesty, intituled, *An act to enforce the execution of an act of this session of parliament, for granting to his Majesty several rates and duties upon houses, windows, or lights*; and by an act made in the twenty-first year of his said late Majesty's reign, intituled, *An act for explaining, amending, and further enforcing the execution of an act, passed in the last session of parliament, intituled,* "*An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties*;" and by an act, made in the twenty-sixth year of the reign of his said late Majesty, intituled, *An act for the more effectual levying of the duties upon windows or lights, in that part of* Great Britain *called* Scotland; and by an act, made in the thirty-first year of his said late Majesty, intituled, *An act for granting to his Majesty several rates and duties upon offices and pensions; and upon houses, and upon windows or lights; and for raising the sum of five millions by annuities and a lottery, to be charged on the said rates and duties*; and by an act, made in the second year of the reign of his present Majesty, intituled, *An act for granting to his Majesty several rates and duties upon windows or lights*; and by an act, made in the sixth year of his present Majesty, intituled, *An act for repealing the several duties upon houses, windows, and lights; and for granting to his Majesty other duties upon houses, windows, and lights*; and by another act, made in the nineteenth year of his present Majesty, intituled, *An act for repealing the duties on all inhabited*

20 Geo. 2. c. 42;

21 Geo. 2. c. 10;

26 Geo. 2. c. 17;

31 Geo. 2. c. 22;

2 Geo. 3. c. 8;

6 Geo. 3. c. 38;

19 Geo. 3. c. 59;

inhabited houses, imposed by an act made in the last session of parliament; and for granting to his Majesty other duties upon all inhabited houses in Great Britain, *and for amending the said act; and also for amending so much of an act, made in the seventeenth year of the reign of his present Majesty, as imposes a duty upon all servants retained or employed in the several capacities therein mentioned*; and by another act, made in the twenty-fourth year of his present Majesty, intituled, *An act for repealing the several duties on tea, and for granting to his Majesty other duties in lieu thereof; and also several duties on inhabited houses; and upon the importation of cocoa nuts and coffee; and for repealing the inland duties of excise thereon*; or in or by any of the said acts; and all the powers, authorities, rules, directions, penalties, forfeitures, clauses, matters and things, now in force, contained in the said acts, relative to the duties on houses and windows or lights, for assessing, raising, levying, and paying the rates and duties thereby granted, shall be in full force, and be duly observed, practised, and put in execution, throughout the kingdom of *Great Britain*, for assessing, raising, levying, collecting, and paying, the said duties hereby placed under the management of the said commissioners for the affairs of taxes, as fully and effectually, to all intents and purposes, as the same are or may be for assessing, raising, levying, collecting, and charging the rates and duties granted by the said acts on houses and windows, and on inhabited houses, so far as the said powers, rules, authorities, and penalties, are applicable thereunto, and not altered by this act.

24 Geo. 3. c. 38.

VIII. And be it further enacted, That the said duties, heretofore under the management of the commissioners of stamps, the management of which is hereby directed to be transferred, shall be paid into his Majesty's exchequer for, and applied to, the same uses and purposes as were directed by the acts by which the same duties were granted.

The transferred duties to be applied as under the former acts.

IX. *And whereas the duties on coaches, and other carriages, granted by the before recited act of the twentieth year of the reign of his late majesty King* George *the Second, were charged with the payment of certain annuities established by the said act, and afterwards, by an act of the twenty-fifth year of the reign of his said late Majesty, made a part of the sinking fund; and the duties granted by the said recited acts of the sixteenth and twenty-second years of the reign of his present Majesty, and also the several additional duties of five pounds* per centum *by the said act of the nineteenth, and five pounds* per centum *by the said act of the twenty first, with five pounds* per centum, *and ten pounds* per centum, *granted by the said act of the twenty-second year of the reign of his said present Majesty, were respectively made a part or parts of the funds, granted for payment of annuities established by sundry acts of parliament, passed in the said sixteenth, nineteenth, twenty-first, and twenty-second years of the reign of his said present Majesty*; be it therefore enacted, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, out of the monies that shall arise and be paid into the receipt of his Majesty's exchequer of the said yearly

Recital of the application of the former duties.

Part of new duties to be applied in the same manner.

yearly duties of seven pounds, and of three pounds ten shillings, on the respective coaches, and other carriages, granted by this act, the sum of twenty-two thousand two hundred forty-six pounds, being one fourth part of the annual sum of eighty-eight thousand nine hundred eighty-four pounds, shall, quarterly, on the tenth day of *October*, the fifth day of *January*, the fifth day of *April*, and the fifth day of *July*, in every year, be carried to the sinking fund; the sum of five thousand four hundred twenty-two pounds, and five shillings, being one fourth part of the annual sum of twenty-one thousand six hundred and eighty-nine pounds, shall, quarterly on the tenth day of *October*, the fifth day of *January*, the fifth day of *April*, and the fifth day of *July*, in every year, be carried to the fund for payment of the annuities established by the afore-recited act of the sixteenth year of the reign of his present Majesty; the sum of one thousand three hundred seventy-seven pounds, eighteen shillings, and eight-pence, being one fourth part of the sum of five thousand five hundred and eleven pounds, fourteen shillings, and eight-pence *per annum*, shall, quarterly, on the tenth day of *October*, the fifth day of *January*, the fifth day of *April*, and the fifth day of *July*, in every year, be carried to the fund for payment of the annuities established by the said recited act of the nineteenth year of the reign of his present Majesty; the sum of one thousand three hundred fifty-seven pounds, eighteen shillings, and one penny, being one fourth part of the sum of five thousand four hundred and thirty-one pounds, twelve shillings, and four-pence *per annum*, shall, quarterly, on the tenth day of *October*, the fifth day of *January*, the fifth day of *April*, and the fifth day of *July*, in every year, be carried to the sinking fund; and the sum of seven thousand three hundred twenty-six pounds, eight shillings, and nine-pence, being one fourth of twenty-nine thousand three hundred and five pounds, and fifteen shillings *per annum*, shall, quarterly, on the tenth day of *October*, the fifth day of *January*, the fifth day of *April*, and the fifth day of *July*, in every year, be carried to the fund granted for payment of the annuities established by the said recited act of the twenty-second year of the reign of his present Majesty, and shall be issued, paid, and applied, according to the directions, and for the several uses and purposes to which the same funds are respectively appropriated by the afore-recited acts; which several annual sums afore-mentioned, are the proportional sums that have been applied out of the duties repealed by this act, according to a statement made thereof.

How to proceed in case of a deficiency of duties.

X. And be it further enacted, That if, on any of the said quarter days, the produce of the said duties on coaches and other carriages hereby granted shall not be sufficient to answer the above sums to be carried to the respective funds as above directed, such produce shall be carried to the several funds aforesaid, in the order in which the same are herein directed, so far as the said produce in such quarter will extend, and the deficiency shall be supplied out of the produce of the next, or any future

future quarter; and in case there shall be a surplus remaining in the receipt of the exchequer of the monies arising by the said duties, over and above sufficient to satisfy the charges hereby made on the same, such surplus shall, from time to time, be reserved for the disposition of parliament, and shall not be issued but by the authority of parliament, and as shall be directed by any future act or acts of parliament for that purpose.

Surplus to be reserved for the disposition of parliament.

XI. And be it further enacted, That, for the better assessing, levying, collecting, and paying the said recited duties on coaches, carriages, and horses, the commissioners authorised or appointed, or who shall be hereafter authorised or appointed, for putting in execution the said acts relative to the duties on houses, and windows or lights, and inhabited houses, shall be commissioners for executing this present act, and the powers therein contained, in all and singular the counties, shires, stewartries, ridings, cities, boroughs, cinque ports, towns, and places respectively, within the kingdom of *Great Britain*; and such commissioners, for the speedy execution of this act, shall, in the respective counties, shires, stewartries, ridings, cities, boroughs, cinque ports, towns, and places, for which they are or shall be appointed commissioners, meet for the first time on or before the fifth day of *July*, one thousand seven hundred and eighty-five, for the purpose of raising, levying, and collecting the duty on carriages, now or heretofore under the management of the commissioners of excise, and on or before the tenth day of *October*, one thousand seven hundred and eighty-five, for the purpose of raising, levying, and collecting the duties on waggons, wains, and other such carriages, and on horses; and afterwards shall in like manner meet yearly, and every year, at such day or time as the said commissioners for the time being shall think proper to appoint, on or before the thirtieth day of *April*; and shall then divide themselves to act in separate districts, and proceed in the execution of this present act, for assessing, raising, levying, and collecting the said recited duties on carriages and horses, in such and the same manner as is prescribed by the said acts relative to the duties on houses, and windows or lights, and inhabited houses, or any of them, with respect to the duties thereby imposed, except so far as any alteration is made by this act.

Commissioners of the aforementioned duties on houses, &c. to put this act in execution.

First meeting, &c.

XII. Provided always, and be it further enacted, That if, by any negligence or default, there shall not have been a meeting of the said commissioners for executing this act, within or at the times, or according to the manner hereby prescribed, the said commissioners, or any two or more of them, in the respective counties, shires, stewartries, ridings, cities, boroughs, cinque ports, and towns, in *Great Britain* respectively, wherein such default shall have happened, may and shall meet at any other time or times, as soon as may be after the time or times so prescribed, in order to execute the powers of this act, so as that the said recited duties on carriages and horses may be duly and effectually assessed, raised, levied, and paid to his Majesty,

Commissioners, on default of meeting on the day above-mentioned, may meet afterwards, etc.

his heirs and ſucceſſors, notwithſtanding any ſuch default or defect as aforeſaid.

Oaths to be taken by commiſſioners.

XIII. Provided alſo, and be it further enacted, That no perſon ſhall preſume to act as a commiſſioner in the execution of this act, (except in adminiſtering the oath of qualification herein-after expreſſed), until he ſhall have taken the ſeveral oaths requiſite to qualify him for acting as a commiſſioner of the ſeveral duties charged on houſes, windows or lights, and inhabited houſes, by any of the acts herein-before referred to, and alſo ſhall have taken the following oath; (that is to ſay,)

New oath.

I A. B. *do ſwear, That I will truly and faithfully execute the office of a commiſſioner, according to an act made in the twenty-fifth year of the reign of King* George *the Third*, for transferring the receipt and management of certain duties therein mentioned from the commiſſioners of exciſe, and the commiſſioners of ſtamps reſpectively, to the commiſſioners for the affairs of taxes; and alſo for making further proviſions in reſpect to the ſaid duties ſo transferred; *and will determine, without favour or affection, upon all appeals which ſhall be brought before me, under the ſaid act, according to the beſt of my ſkill and knowledge.*

So help me G O D.

Penalty on acting before taking the oaths.

Which oath any two or more of the commiſſioners in the county, ſhire, ſtewartry, city, or place, where the aſſeſſment is to be made, are hereby authoriſed to adminiſter; and if any perſon ſhall act as a commiſſioner of this act, (except as aforeſaid), before he ſhall have taken ſuch oaths as aforeſaid, he ſhall, for every offence, forfeit one hundred pounds.

The firſt aſſeſſment when to be made.

XIV. And be it further enacted, That the firſt aſſeſſment under this act, of the ſaid recited duties on carriages, now or heretofore under the management of the commiſſioners of exciſe, ſhall be made for three quarters of a year, from the fifth day of *July*, one thouſand ſeven hundred and eighty-five; and of the ſaid recited duties on waggons, wains, and other ſuch carriages, and on horſes, for half a year, from the tenth day of *October*, one thouſand ſeven hundred and eighty-five; and afterwards the aſſeſſment of the ſaid recited duties on carriages and horſes ſhall be made for one year, from the fifth day of *April* in every year.

Duties to be paid quarterly.

XV. And be it further enacted, That the ſaid recited duties on carriages and horſes, ſo to be aſſeſſed under this act, ſhall be paid at the times, and in the manner following, (that is to ſay), quarterly, on the fifth day of *January*, the fifth day of *April*, the fifth day of *July*, and the tenth day of *October*, in every year, by equal portions; the firſt of the ſaid payments to be made on the tenth day of *October*, one thouſand ſeven hundred and eighty-five, for the duties on carriages, now or heretofore under the management of the commiſſioners of exciſe; and on the fifth day of *January*, one thouſand ſeven hundred and eighty-ſix, for the

the duties on waggons, wains, and other such carriages, and on horses.

XVI. Provided always, and be it further enacted, That all persons who, previously to the said fifth day of *July*, or tenth day of *October*, one thousand seven hundred and eighty-five, shall have already paid the aforesaid duties on carriages and horses, or any of them, for any part of the said three quarters or half year, for which the first assessments under this act are hereby directed to be made, or their respective executors or administrators, shall, after paying the said first assessments, have a right to receive back from the commissioners of excise, or commissioners of stamps, for the duties now or heretofore under their management respectively, or any officer or officers appointed by them, out of any monies which shall have been paid into, or be in their hands, such a proportion of the duties so already paid to the said commissioners of excise or stamps respectively, as shall be necessary to prevent a double payment of the said duties for the said three quarters or half year on the said first assessments, or for any part thereof; for which purpose the said commissioners of excise and stamps respectively are hereby required to make such orders, in respect to the time and manner of such repayments, as to them shall appear best calculated to effectuate the intention of this act, and to prevent a double charge. Clause relative to persons who have paid the old duties in advance.

XVII. *And, for more effectually levying and collecting the said recited duties on carriages and horses under this act*, be it further enacted, That if at any time there shall be a neglect of appointment of assessors for the said duties on houses, and windows or lights; or if at any time the assessors appointed shall neglect what is required of them by this act, then, and in every such case, it shall be lawful to and for the surveyor or surveyors, or the inspector or inspectors, appointed or to be appointed under authority of the said acts, relative to the duties on houses, and windows or lights, or on inhabited houses, or any of them, and they are hereby authorized and required to do and perform such and the like services as, by the said acts, or any of them, are required from such assessors. If assessors neglect their duty, surveyors, etc. may perform the same.

XVIII. And be it further enacted, That every person so appointed or to be appointed assessor as aforesaid, or any surveyor or inspector hereby authorised to act as an assessor, shall, before he presumes to act in the execution of the said office or employment, take (besides the oaths or affirmations required to be taken by assessors by the before-mentioned acts relative to the duties on houses, and windows or lights, or any of them) an oath, or, being one of the people called *Quakers*, make and subscribe a solemn affirmation, in the following form: Oaths to be taken by assessors.

I A. B. *do swear*, [or *affirm*, as the case may require], *That in making the assessment which by authority of an act made in the twenty-fifth year of the reign of King* George *the Third* for transferring the receipt and management of certain duties therein mentioned, from the commissioners of excise, and the commissioners of stamps New oath.

ſtamps reſpectively, to the commiſſioners for the affairs of taxes, *I will charge all perſons according to the beſt of my ſkill and knowledge.*

So help me GOD.

Which oath or affirmation any two or more of the commiſſioners in the county, ſhire, ſtewartry, city, or place, where the aſſeſſment is to be made, are hereby authoriſed and required to adminiſter; and if any perſon ſo appointed, or to be appointed, or hereby authoriſed to act as aſſeſſor, ſhall preſume to act in the execution of the ſaid office or employment, before he ſhall have taken the aforeſaid oath or affirmation, as the caſe ſhall be, he ſhall forfeit and pay, for every ſuch offence, the ſum of twenty pounds.

Penalty on acting before taking the oath.

XIX. And be it further enacted, That the ſaid commiſſioners for executing this act ſhall, in the precepts to be from time to time directed by them to the inhabitants of the pariſhes or places within their reſpective diſtricts or diviſions, naming whom they ſhall think fit to be aſſeſſors under the ſaid acts, relative to the ſaid duties on houſes, and windows or lights, or any of them, cauſe notice to be inſerted, that ſuch perſons are alſo appointed aſſeſſors of the ſaid recited duties upon carriages and horſes.

Notice to be given in the precepts of the appointment of aſſeſſors.

XX. And be it further enacted, That ſuch perſons to be appointed aſſeſſors as aforeſaid, ſhall, within fourteen days after ſuch their appointment yearly, give or leave notice in writing, to or for every perſon keeping any carriage or horſe liable to the ſaid recited duties on carriages and horſes, or any of them, within the limits of the places for which ſuch aſſeſſors are to act, at his or her dwelling houſe, to prepare and produce, within the ſpace of fourteen days next enſuing the day of giving ſuch notice, one liſt in writing of carriages, liable to the ſaid recited duties thereon, or any of them, kept by ſuch perſon within ſuch limits; the ſaid liſt to deſcribe the greateſt number of ſuch carriages which ſuch perſon ſhall have kept at any one time in the courſe of the year, ending on the fifth day of *April* preceding ſuch notice; and to expreſs the denomination of each carriage, and its number of wheels, diſtinguiſhing which are kept for private uſe, and which for hire, and which are uſed as publick ſtage coaches; and another liſt in writing of the number of horſes, liable to the ſaid duties on horſes, kept and uſed by him or her within ſuch limits; every ſuch written liſt to contain the greateſt number by him or her kept and uſed in the courſe of the year, ending on ſuch preceding fifth day of *April* as aforeſaid; and every ſuch perſon ſhall, after ſuch notice ſo given or left, make out the ſaid liſts, or one of them, as the caſe may require, accordingly, and ſign the ſame with his or her own hand, and deliver the ſame, or cauſe the ſame to be delivered to ſuch aſſeſſor or aſſeſſors, at any time after the expiration of fourteen days from the ſaid notice being given, when he or they ſhall call for the ſame: and if any ſuch perſon ſhall neglect or

Aſſeſſors to give notice in writing to perſons keeping carriages, etc. to produce liſts of the number kept by them within their diſtricts, etc.

or refuse to make out, sign, and deliver such lists, or either of them, within the time before-mentioned, then such assessor or assessors shall, from the best information he or they can obtain, make an assessment upon such person, so refusing or neglecting, for or in respect of the number of carriages and horses, liable to the said recited duties, or any of them, so kept by him or her, distinguishing them in manner aforesaid; and every such assessment so made upon any such neglect or refusal shall be final and conclusive upon the person thereby charged, who shall not be at liberty to appeal therefrom, unless such person shall prove that he or she was not at his or her dwelling house at the time of the delivery of such notice, nor between that day and the time limited for delivering such list as aforesaid to the assessor; or unless such person shall alledge and prove such other excuse for not having delivered his or her lists or list, as the commissioners for executing this act shall, in their judgement, think reasonable and sufficient.

How assessor to proceed, in case such lists are not delivered.

XXI. Provided always, and be it further enacted, That the lists, which shall be delivered, in manner herein-before mentioned, by order of the said commissioners upon the first assessment to be made by virtue of this act, shall contain the greatest number of such carriages and horses as aforesaid, which the persons from whom such lists are herein-before required shall respectively have at any time kept and used between the fifth day of *July*, one thousand seven hundred and eighty-four, and the fifth day of *April*, one thousand seven hundred and eighty-five.

Lists to contain the greatest number of carriages and horses kept during the time to which they relate.

XXII. *And, to the end that no person may pay the said recited duties for the same carriages or horses in more parishes or districts than one, within the same year*, be it further enacted, That if any person, having been assessed under this act in one parish or district for his or her carriages or horses within the same, shall be again assessed in another parish or district, for or in respect of the same carriages or horses, or any of them, in every such case, the commissioners for this act, within such latter parish or district, or the majority of the said commissioners present, on any application for the purpose, may and are hereby required to alter any assessment of such person so assessed twice, on proof given before them that such person hath paid the said duties, for or in respect of the same carriages or horses in another place, and in what place specifically, or hath been assessed for the same; which proof shall be made, as to the fact of payment, by producing a receipt signed by the collector to whom the same payment shall have been made, or, in default thereof, by other reasonable evidence, to the satisfaction of the said commissioners for putting in execution this act, or the majority of them, before whom such evidence shall be offered; and the aforesaid proof, as to the fact of the party having been assessed elsewhere, shall be made in like manner, either by producing a copy or certificate of the assessment signed by two or more commissioners of the district for which such assessment shall have been made, (which copy or certificate the clerk then attending the

Commissioners, on application, to grant relief to persons who have been assessed in different places for the same carriages or horses.

the said commissioners shall deliver *gratis* to the party requiring the same), or, in default of such copy or certificate, then such proof shall be made by other evidence, to the satisfaction of the commissioners present, or the majority of them.

Clause relative to persons who pay for carriages, etc. in different parishes.

XXIII. Provided always, and be it further enacted, That every person who shall be called upon by virtue of this act to give such lists or list as aforesaid, shall, when he or she shall give in such lists or list, at the same time return a list, or make a declaration, signed by him or her, of the number of such carriages and horses as aforesaid respectively he or she shall mean to pay for at every other place, specifying the particular parish or parishes, or district or districts, wherein he or she shall mean to pay for such other carriages and horses respectively; and the said assessors shall enter the list or declaration last mentioned at the end of their several assessments, and deliver them to the surveyor for each parish or district, in order that he may transmit the particulars thereof to the commissioners for managing the affairs of taxes.

In case the lists delivered to the assessors shall be found deficient, they may surcharge the same.

XXIV. And be it further enacted, That such assessors as aforesaid shall not be bound by such lists as shall be delivered to them respectively, in pursuance of this act; but shall be at liberty, if they shall find, upon due examination, that any carriage or carriages, or horse or horses, is or are omitted in such lists, to surcharge the same, and make a true assessment upon every person keeping such carriages or horses within their respective districts, of the real number of carriages or horses kept by each such person, distinguishing every such carriage and horse in manner herein-before directed.

Assessors to deliver their assessments to the commissioners within 3 months after their appointment.

XXV. And be it further enacted, That such assessors as aforesaid shall, from time to time, make and deliver in writing their assessments of the said duties on coaches, carriages, and horses, within the limits for which they are respectively to act as aforesaid, unto the said commissioners, for this act, or any two or more of them, within the space of three calendar months next after the time of their being so appointed assessors; and the said commissioners, to whom such assessments shall be so delivered, or any two of them, shall, within the space of one calendar month next after the receipt of the same respectively, or as soon after as conveniently may be, set their hands to the said respective assessments, and to such surcharge or surcharges as shall or may have been made in the mean time, either by the same assessors, or by such surveyor or surveyors, inspector or inspectors as herein-after is or are mentioned, testifying their allowance of the same; and shall likewise nominate and appoint two of the persons, named or presented in each of such assessments, to be collectors, or any other two such persons as the said commissioners for putting in execution this act, shall think able and responsible for the respective divisions and places for which collectors shall be so presented; and shall forthwith deliver, or cause to be delivered, such assessments, so by the said commissioners allowed of, unto the respective

Commissioners to sign the same, and appoint collectors, etc.

persons

persons by them nominated to be collectors, who are hereby enjoined and required to collect and pay the duties so assessed, and to give acquittances for the same; for whose paying unto the receiver-general, now or for the time being, appointed by his Majesty, or by the lord high treasurer for the time being, or the commissioners of the treasury for the time being, or any three or more of them, in the manner hereby directed, such money as they the said collectors shall be charged with under this act, the parish or place for which they are so employed shall be answerable.

Surveyors under the before mentioned acts may inspect the lists before they are signed, and amend them.

XXVI. And be it further enacted, That every surveyor or inspector, appointed or to be appointed under or by virtue of the said several acts relative to the duties on houses, and windows or lights, shall be, and he is hereby impowered and authorised to inspect and examine any list or lists to be made out and signed by any such person keeping such carriages or horses as aforesaid, or any assessment or assessments for any parish or place, before the commissioners for putting in execution this act shall have signed and allowed the same, and to alter and amend any such list or lists, and assessment or assessments, if he or they shall see just cause for so doing; and every person in whose custody any such lists or assessments shall be, shall, and is hereby required, upon the request of any such surveyor or inspector as aforesaid, to produce the same: and if any such surveyor or inspector shall, after any such list or lists, and assessment or assessments, shall be so respectively made out, signed, and allowed as aforesaid, find or discover, upon his survey or examination, that any person who ought to be charged with the said recited duties on carriages and horses, or any of them, shall have been omitted to be charged therewith, or shall have been under-rated, such surveyor or inspector shall certify the same in writing under his hand, together with an account of every carriage and horse omitted, and its proper description according to the directions aforesaid, by way of surcharge, to any two or more of the said commissioners for putting in execution this act, in order to have such omission or under-rate rectified in the said assessment; and such commissioners are thereupon to cause the same to be rectified, and the duties levied accordingly.

If surveyors discover any omissions after the lists are signed, they are to certify the same to the commissioners, etc.

Penalty on neglecting to deliver lists and declarations.

XXVII. *And whereas some persons, liable to the said recited duties on carriages and horses, may neglect to deliver such lists and declarations as are herein-before required*; be it further enacted, That where any person liable, under the directions herein-before contained, to deliver such lists or declarations as aforesaid to the assessor or assessors, shall refuse or neglect, within the time herein-before prescribed, to deliver, or cause to be delivered, any such list or declaration, to such assessor or assessors, he or she so refusing or neglecting shall, for every such offence, forfeit the sum of ten pounds.

Persons to be doubly rated for those car-

XXVIII. *And, to the end that any persons keeping any carriages or horses liable to the aforesaid duties, or any of them, may deliver, or cause to be delivered, to the assessor or assessors, true lists and declarations*

riages, etc. they omit in their lists. One half of which surcharge to be allowed the assessor or surveyor making the same.

clarations of their respective carriages and horses; be it further enacted, That in all cases where any assessor, surveyor, or inspector, shall make a surcharge upon any person for or in respect of any carriage or horse omitted to be inserted in any such list or declaration as aforesaid, such surcharge shall be made after the rate of double the duty for every carriage or horse so omitted; and the assessor, surveyor, or inspector so making such surcharge, shall be, and is hereby intitled to, and shall have and receive for his own use, one moiety of the sum charged by every surcharge which shall be justly made upon any such list or declaration.

Inhabitant householders to deliver lists of lodgers who keep carriages, etc. containing the names of the parties, etc. on penalty of 10l.

XXIX. *And whereas difficulties may sometimes arise in discovering lodgers or inmates in any house, liable to pay the said recited duties on carriages and horses*, be it therefore further enacted, That the inhabitant householder of any house, in which there shall be any lodger or inmate keeping any carriage or horse liable to the said duties, shall, within a week after a requisition by notice in writing left at any such house, from or by any assessor, surveyor, or inspector of the said duties on carriages and horses, deliver to, or leave for, such assessor, a list, in writing, of every lodger or inmate in such house who shall, at the time of delivering or leaving such list, keep any carriage or horse liable to the said duties, or shall have kept any such carriage or horse from the tenth day of *October*, one thousand seven hundred and eighty-four, on the first assessment under this act, and from the fifth day of *April* in each preceding year, on every future assessment; which list shall express the christian and surname of every such lodger or inmate, and shall contain an account of every such carriage, with such description as is herein-before required, and of every horse liable to the said duty, to the best of the knowledge and information of such inhabitant householder: and if any inhabitant householder shall refuse to deliver any such list, as herein-before mentioned, or shall wilfully omit or misrepresent any description which ought to be contained therein, he or she so offending shall, for every offence, forfeit ten pounds.

Persons over-rated may appeal to the commissioners.

XXX. And be it further enacted, That if any person or persons shall think himself, herself, or themselves respectively overcharged or over-rated by any assessment, charge, or surcharge to be made by virtue or in pursuance of this act, it shall be lawful for him, her, or them respectively to appeal to the said commissioners for putting in execution this act; and the said commissioners, or any two or more of them, shall, and they are hereby required to hear and determine all such appeals, except where it shall appear to the said commissioners that the person appealing shall have omitted to deliver in his or her list or lists, or declaration, in manner aforesaid, and shall not assign sufficient cause, to the satisfaction of the commissioners for such omission, in manner herein-before mentioned; in which case it shall be lawful for the said commissioners to dismiss the appeal: provided that at the time of hearing the same appeal, a list shall

be produced, by or on the part of the appellant, upon his or her oath, of the greatest number of carriages and horses, within the district or limits of the places where such appeal shall be made, subject to the said recited duties, as shall have been kept by him or her at any time between the tenth day of *October*, one thousand seven hundred and eighty-four, and the fifth day of *July*, one thousand seven hundred and eighty-five, with respect to the space of time which shall have elapsed between the said tenth day of *October*, one thousand seven hundred and eighty-four, and the said fifth day of *July*, one thousand seven hundred and eighty-five; or with respect to any future year, the greatest number of such carriages and horses which shall have been so kept by him or her within the year preceding the fifth day of *April* in every such year, with such description and explanation, and also such list or declaration as to other districts, as is herein-before required; and all such appeals shall be heard and determined on the days to be appointed, and in the manner directed by the several acts herein-before mentioned with respect to the duties on houses, and windows or lights.

Appellant to deliver, on oath, a list of the greatest number of carriages, etc. kept by him.

XXXI. And be it further enacted, That the said commissioners, or any of them, shall not, upon the hearing any appeal, make any abatement or defalcation in the charge or surcharge made upon any person by such assessment as aforesaid, or the surcharge of any such surveyor or surveyors as aforesaid, but the same shall stand good, and remain part of the annual assessment, unless it shall then appear to the said commissioners, by examination upon oath, that such person is over-rated in and by such assessment or surcharge; and every person intending to appeal to the said commissioners shall, and is hereby required to give at the least ten days notice thereof to the said surveyor, or to one or more of the assessors of the parish or place wherein such person is rated, of such intention to appeal, and such surveyor and assessors may then and there attend to justify the said assessment and surcharge; and such surveyor, and assessors, and appellant, shall have full power and free liberty to be present during all the time of hearing such respective appeals, and of the said commissioners determining the same: and the said commissioners are hereby authorised and impowered upon every such appeal, although they shall confirm the surcharge of such assessor, surveyor, or inspector, upon application of such appellant as aforesaid, to remit and strike off the penalty herein-before directed to be paid to such assessor, surveyor, or inspector surcharging such list, if they shall be of opinion that there was any doubt whether the carriage or horse so surcharged was rateable within the meaning of this act, and was not omitted by such appellant out of such list or lists, or declaration as aforesaid, with any intention to defraud the revenue.

Commissioners not to make any abatement in the charge, etc. unless it shall appear, on oath, that the appellant is over-rated. Ten days notice to be given of appeal.

Commissioners, in certain cases, may remit the penalty before directed to be paid to the assessor, etc.

XXXII. Provided always, and be it further enacted, That if on such examination on the hearing of such appeal, it shall appear to the said commissioners that such surcharge was falsely and

Penalty on surveyors, etc. for making a false surcharge.

and vexatiously made; then, and in such case, such surveyor, assessor, or inspector so surcharging, shall forfeit and incur such penalties and punishments as in and by the said acts relative to the duties on houses, and windows or lights, are directed to be inflicted on surveyors, inspectors, or assessors, for neglect of duty.

Determination of commissioners to be final;

except, etc.

XXXIII. And be it further enacted, That all appeals once heard and determined by the said commissioners, or any two or more of them, or the major part of them, then present, on the day or days by them appointed for hearing of appeals, shall be final, (except as herein-after excepted.)

Persons dissatisfied may, in England, appeal to the court of king's bench;

XXXIV. And be it further enacted, That if either the said surveyor or inspector, or the person so appealing, in that part of *Great Britain* called *England*, or in *Wales*, or in *Berwick upon Tweed*, shall apprehend the determination made by the said commissioners to be contrary to the true intent and meaning of this act, and shall then declare himself or herself dissatisfied with such determination, it shall and may be lawful to and for such surveyor or inspector, or person respectively, to require the said commissioners to state specially, and sign the case upon which the question arose, together with their determination thereupon; and the said commissioners, or the major part of them then present, are hereby required to state and sign such case accordingly, and cause the same to be delivered to the party making such request as aforesaid, to be by him or her transmitted to one of the justices of the court of king's bench or common pleas, or to one of the barons of the court of exchequer, for the time being; and every such justice and baron is hereby required, with all convenient speed, to return an answer to such case so transmitted, with his opinion thereupon subscribed thereto, according to which opinion so certified, the assessment which shall have been the cause of the appeal, shall be altered or confirmed: and if either the said surveyor, or the person so appealing, in that part of *Great Britain* called *Scotland*, shall apprehend the determination made by the said commissioners to be contrary to the true intent and meaning of this act, and shall then declare himself or herself dissatisfied with such determination, it shall and may be lawful to and for such surveyor, or person dissatisfied respectively, to require the said commissioners, or the major part of them then present, to state specially and sign the case upon which the question arose, together with their determination thereupon; which case the said commissioners are hereby required to state and sign accordingly, and to cause the same to be delivered to the party making such request as aforesaid, to be by him or her transmitted to one of the judges of the court of session, or of the barons of the exchequer in *Scotland*; and every such judge and baron is hereby required, with all convenient speed, to return an answer to such case so transmitted, with his opinion thereupon subscribed thereto; according to which opinion so certified, the assessment which shall have been the cause of such appeal, shall be altered or confirmed.

and in Scotland, to the court of session, etc.

XXXV. Pro-

Proviso, relative to cases transmitted to the judges.

XXXV. Provided always, and be it further enacted, That, notwithstanding any such case so transmitted to any of the said justices, judges, or barons, the determination of the said commissioners shall stand with respect to the payments which shall become due, precedent to the opinion certified by any such justice, judge, or baron, upon such case.

Penalties exceeding 20l. were to be recovered.

XXXVI. And be it further enacted, That every penalty or forfeiture which shall be incurred under this act of a greater sum than twenty pounds, shall be recovered in any of his Majesty's courts of record at *Westminster*, if the matter shall arise within *England* or *Wales*, or the town of *Berwick upon Tweed*; or in the court of session, court of justiciary, or court of exchequer in *Scotland*, if the matter shall arise in that part of the united kingdoms, by action of debt, bill, plaint, or information; wherein no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed; and one moiety of every such penalty or forfeiture shall belong to his Majesty, his heirs or successors, and the other moiety thereof to the person or persons who shall inform and sue for the same.

All horses used for riding, or in drawing coaches, etc. subject to the duty.

XXXVII. *And whereas it frequently happens, that persons occuping farms who keep horses for the purposes of husbandry only, and nevertheless ride one of such horses to or from market, or church, or other place of publick worship, but do not use them for the purpose of riding on any other occasion, and doubts have arisen whether such horses were subject to the duty imposed by the before recited act of the last session of parliament*; be it therefore enacted, That the assessments which are to be made under the authority of this act, shall be made for all horses whatsoever belonging to any person within the kingdom of *Great Britain*, which shall, on any occasion, be used for the purpose of riding, or in drawing any carriage now or hereafter subject to any excise duty.

Occupiers of land in certain cases, to be excused the duty for one horse.

XXXVIII. Provided always, That upon any appeal to the acting commissioners in *England*, or the commissioners of supply in *Scotland*, from the assessment so made for such horse, and on proof, on oath made to the satisfaction of the said commissioners, that such horse, for which any person occupying a farm, not worth more than one hundred and fifty pounds a year to be let, shall have been so assessed, has been only used for the purpose of riding to and from market, or church, or other place of publick worship, and to no other place, or for no other purpose of riding, it shall and may be lawful for the said commissioners, and they are hereby required to make an abatement of the whole duty from the charge against the person to whom such horse shall belong.

Penalties not exceeding 20l. recoverable before two justices;

XXXIX. And be it further enacted, That, in all cases where the pecuniary penalty by this act imposed doth not exceed the sum of twenty pounds, it shall be recoverable before two or more justices of the peace of the county, riding, shire, stewartry, division, city, liberty, town, or place, wherein the offence shall be committed, on proof of the offence, either by the voluntary confession of the party or parties accused, or by the

oath of one or more credible witness or witnesses; and one moiety of such last mentioned penalty shall belong to his Majesty, his heirs and successors, and the other moiety to the informer or informers prosecuting for the same; and in case of nonpayment, shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of such justices; and the overplus of the money raised, after deducting the penalty, and the expences of the distress and sale, shall be rendered to the owner; and, for want of sufficient distress, the offender shall be sent by such justices to the prison of such county, riding, shire, stewartry, city, liberty, town, or place, for such time, not exceeding six months, nor less than one month, as such justices shall think most proper.

and may be levied by distress.

Constables, etc. to be aiding in executing this act.

XL. And be it further enacted, That all constables and headboroughs, tithingmen, and other his Majesty's officers, shall and are hereby required and enjoined to be respectively aiding and assisting in the execution of this act, and to obey and execute such precepts or warrants as shall be to them directed in that behalf by the respective commissioners hereby appointed, or any of them.

Limitation of actions.

XLI. And be it further enacted, That all actions, suits, or informations, for any offence against this act, shall be brought within one year after the offence committed, and being brought after the time so limited, shall be void; and if any person or persons shall at any time or times be sued, molested, or prosecuted for any thing by him or them done or executed in pursuance of this act, or of any clause, matter or thing, herein contained, such person or persons may plead the general issue, and give the special matter in evidence, for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

General issue.

Treble costs.

CAP. XLVIII.

An act for granting to his Majesty certain stamp-duties on licences to be taken out by persons using or exercising the trade or business of a pawnbroker.

Most gracious Sovereign,

Preamble.

WE, your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, towards raising the necessary supplies to defray your Majesty's publick expences, have resolved to give and grant unto your Majesty the duties herein-after mentioned; and do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority

thority of the same, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, there shall be raised, levied, collected, and paid, throughout the kingdom of *Great Britain*, unto and for the use of his Majesty, his heirs and successors, the rates and duties following; (that is to say), all persons using or exercising the trade or business of a pawnbroker in *Great Britain*, shall annually take out a licence for that purpose in manner herein-after prescribed:

From July 5 1785, the following duties to be paid his Majesty

Where the person using or exercising the trade or business of a pawnbroker as aforesaid, shall reside within the cities of *London* and *Westminster*, the parish of *Saint Mary le Bone*, and *Saint Pancras*, in the county of *Middlesex*, or within the distance of the bills of mortality, or within the borough of *Southwark* in the county of *Surrey*, there shall be charged a stamp-duty of ten pounds:

By every pawnbroker residing in London or Westminster, &c. 10l. per ann.

And where the person using or exercising the trade or business of a pawnbroker as aforesaid, shall reside in any other part of *Great Britain*, there shall be charged a stamp-duty of five pounds.

and in any other part of Great Britain, 5l.

II. And be it further enacted, That, for the better and more effectual levying and collecting the said duties herein-before granted, the same shall be under the government, care, and management of the commissioners for the time being appointed to manage the duties charged on stamped vellum, parchment, and paper; who, or the major part of them, are hereby required and impowered to employ such officers under them for that purpose, and to allow such salaries and incidental charges as may be necessary; and to provide and use such stamps to denote the said duties as shall be requisite in that behalf; and to do all other things necessary to be done for putting this act into execution, with relation to the said rates and duties herein-before granted, in the like, and in as full and ample manner as they, or the major part of them, are or is authorised to put in execution any former law concerning stamped vellum, parchment, and paper.

Duties to be under the management of commissioners of stamps.

III. And be it further enacted, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, no person whatsoever required by this act to be licensed, shall, unless he or she be licensed in manner herein-after prescribed, receive or take, by way of pawn, pledge, or exchange, of or from any person or persons whomsoever, any goods or chattels for the repayment of money lent thereon, in *Great Britain*, upon pain to forfeit for every offence the sum of fifty pounds, to be recovered and applied as herein after is directed.

Penalty on pawnbrokers acting as such without a proper licence.

IV. And be it further enacted, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, any two or more of his Majesty's commissioners appointed for managing the duties arising by stamps on vellum, parchment, and paper,

Two commissioners may grant licences.

paper, or some person duly authorised by them, shall grant licences to such persons who shall apply for the same, to use or exercise the trade or business of a pawnbroker, as aforesaid, in any city, town, or other place within *Great Britain*, for the space of one year, to commence from the said fifth day of *July*, one thousand seven hundred and eighty-five, upon all licences to be granted on or before that day; and upon licences to be first granted to any person or persons after the said fifth day of *July*, one thousand seven hundred and eighty-five, to commence from the day of the date of every such licence: and all and every person and persons who shall take out such licence for using or exercising the said trade or business of a pawnbroker, shall take out another licence for another year, ten days at least before the expiration of that year for which he or she shall be so licensed, if he or she shall continue to use and exercise the said trade or business of a pawnbroker; and shall in like manner renew such licence from year to year, paying down the respective sums due for the stamps on such licence, so long as he or she shall continue to use or exercise the trade or business of a pawnbroker.

Licences to be renewed annually.

Who shall be deemed pawnbrokers.

V. And be it further enacted, That all persons who shall receive or take, by way of pawn, pledge, or exchange, of or from any person or persons whomsoever, any goods or chattels for the repayment of money lent thereon, shall respectively be deemed pawnbrokers within the intent and meaning of this act, and shall take out a licence for the same accordingly.

Not to extend to persons who lend money at or under 5 per cent.

VI. Provided always, That nothing in this act contained shall extend, or be construed to extend, to any person or persons who shall lend money upon pawn or pledge, at or under the rate of five pounds *per centum per annum* interest, without taking any further or greater profit for the loan or forbearance of such money lent, on any pretence whatever.

Not to keep more than one shop by virtue of one licence.

VII. And be it further enacted, That no pawnbroker, or other person receiving or taking, by way of pawn, pledge, or exchange, any goods or chattels for the repayment of money lent thereon, licensed or to be licensed by authority of this act, shall, by virtue of one licence, keep more than one house, shop, or other place, for taking in goods or chattels to pawn; but for each and every house, shop, or other place, which any person shall keep for the purposes aforesaid, a separate and distinct licence shall be taken out and paid for by such pawnbroker or other person.

Persons in partnership need take out only one licence.

VIII. Provided always, That persons in partnership, and carrying on the trade and business of a pawnbroker in one house, shop, or tenement only, shall not be obliged to take out more than one licence, in any one year, for the carrying on such trade or business.

Stamps may be altered.

IX. And be it further enacted, That such stamps as the commissioners are hereby directed and authorised to provide and use, shall and may be altered and renewed in such manner as

any

any other ſtamps on vellum, parchment, or paper, are, by any former law relating to ſtamped vellum, parchment, and paper, directed to be altered or renewed.

Penalty on counterfeiting ſtamps, etc.

X. And be it further enacted, That if any perſon or perſons ſhall counterfeit or forge, or procure to be counterfeited or forged, any ſeal, ſtamp, or mark, directed or allowed to be uſed, or provided, made, or uſed in purſuance of this act, for the purpoſe of denoting the duties by this act granted, or either of them; or ſhall counterfeit or reſemble the impreſſion of the ſame upon any vellum, parchment, or paper, with an intent to defraud his Majeſty, his heirs and ſucceſſors, of any of the ſaid duties; or ſhall utter, vend, or ſell, any vellum, parchment, or paper, with a counterfeit mark or ſtamp thereupon, knowing ſuch mark or ſtamp to be counterfeit; or if any perſon ſhall privately and fraudulently uſe any ſeal, ſtamp, or mark, directed or allowed to be uſed by this act, with intent to defraud his Majeſty, his heirs or ſucceſſors, of any of the ſaid duties; then every ſuch perſon ſo offending, and being thereof convicted, ſhall be adjudged a felon, and ſhall ſuffer death as in caſes of felony without benefit of clergy.

Proviſions of former acts relating to ſtamp-duties to be applied in execution of this act.

XI. And be it further enacted by the authority aforeſaid, That all powers, proviſions, articles, clauſes, penalties, diſtribution of penalties, and all other matters and things preſcribed or appointed by any former act or acts of parliament relating to the ſtamp-duties on vellum, parchment, and paper, ſhall be in full force and effect with relation to the duties hereby impoſed; and ſhall be applied and put in execution for the raiſing, levying, collecting, and ſecuring the ſaid rates and duties hereby impoſed, according to the true intent and meaning of this act, as fully, to all intents and purpoſes, as if the ſame had ſeverally and reſpectively been hereby enacted with relation to the ſaid new rates and duties hereby impoſed.

Penalties how to be recovered.

XII. And be it further enacted, That all pecuniary penalties impoſed on any perſon or perſons for offences committed againſt this act, ſhall and may be ſued for and recovered in any of his Majeſty's courts at *Weſtminſter*, for offences committed in that part of *Great Britain* called *England*, the dominion of *Wales*, or the town of *Berwick upon Tweed*, and in his Majeſty's court of ſeſſions, court of juſticiary, or court of exchequer in *Scotland*, for offences committed in that part of *Great Britain* called *Scotland*, by action of debt, bill, plaint, or information, wherein no eſſoin, protection, privilege, wager of law, or more than one imparlance, ſhall be allowed; and wherein the plaintiff, if he or ſhe ſhall recover any penalty or penalties, ſhall recover the ſame for his or her own uſe, with double coſts of ſuit.

Duties to be paid into the exchequer;

XIII. And be it further enacted by the authority aforeſaid, That the ſeveral duties herein-before granted, ſhall be paid from time to time into the hands of the receiver general, for the time being, of the duties on ſtamped vellum, parchment, and paper, who ſhall keep a ſeparate and diſtinct account of the ſeveral rates and duties, and pay the ſame (the neceſſary charges

of raising, paying, and accounting for the same being deducted) into the receipt of his Majesty's exchequer, at such time, and in such manner, as the duties charged on stamped vellum, parchment and paper, are directed to be paid; and that in the office of the auditor of the same receipt shall be provided and kept a book or books, in which all the monies arising from the said several rates and duties, and paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies paid or payable to his Majesty, his heirs or successors, upon any account whatsoever; and the said money, so paid into the said receipt of exchequer as aforesaid, shall be a fund for the payment of the several annuities, and all such other charges and expences as are directed to be paid and payable pursuant to an act of this present session of parliament, (intituled, *An act for granting annuities to satisfy certain navy, victualling, and transport bills, and ordnance debentures.*)

and entered separate from all other monies.

How to be applied.

XIV. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time or times be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any clause, matter, or thing herein contained, such person or persons shall or may plead the general issue, and give the special matter in evidence, for his, her, or their defence; and if upon the trial a verdict shall pass for the defendant or defendants or the plaintiff or plaintiffs become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

Defendants may plead the general issue,

and have treble costs.

CAP. XLIX.

An act for granting to his Majesty certain duties upon licences to be taken out by coachmakers; and also certain duties upon carriages to be built for sale.

Most gracious Sovereign,

Preamble.

WE, your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, towards raising the necessary supplies to defray your Majesty's publick expences, have freely and voluntarily resolved to give and grant to your Majesty the several rates and duties upon licences to be taken out, in manner herein after mentioned, by every person carrying on the trade of a coachmaker; and upon coaches, or other carriages herein-after mentioned, newly built for sale; and we do hereby most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, every coachmaker within the kingdom of *Great*

Every coachmaker in Great Britain to take out a licence annually.

Great Britain shall yearly take out a licence in manner hereinafter mentioned, and shall pay for the same to his Majesty, his heirs and successors, the sum of twenty shillings.

From July 5, 1785, no coach, chaise, etc. to be made, until the maker has taken out such licence.

II. And be it further enacted, That, from and after the said fifth day of *July*, one thousand seven hundred and eighty-five, no person who now doth, or at any time hereafter shall, carry on the trade of a coachmaker within *Great Britain*, shall build, make, construct, or sell any coach, chaise, berlin, landau, chariot, calash with four wheels, chaise-marine with four wheels, or caravan, or by what name soever such carriages now are or hereafter may be called or known; or any calash, chaise, and chair, with two wheels, or by what name soever such carriages now are or hereafter may be called or known, or other carriage heretofore made subject to any duty of excise, until he or she shall have taken out such licence as above directed, for which licence he or she shall, immediately upon taking out thereof, pay down for the same the said sum of twenty shillings: and if any such licences shall be taken out within the limits of the chief office of excise in *London*, then such licences shall be granted under the hands and seals of two or more of his Majesty's commissioners of excise for the time being, or of such person or persons as the commissioners of excise shall from time to time appoint for that purpose, and the duties for the same shall be paid at the chief office of excise in *London*, or at such other place, and to such person or persons, as the said commissioners for the time being shall appoint; but if such licences shall be taken out in any part of *England* or *Wales* not within the said limits, or in the town of *Berwick upon Tweed*, such licences shall, in such case, be granted under the hands and seals of the several collectors and supervisors of excise within their respective collections and districts, and the duties shall be paid for the same to the collectors of excise within whose collection such licences shall be granted respectively; and if such licences shall be taken out within the limits of the city of *Edinburgh*, such licences shall be granted under the hands and seals of two or more of his Majesty's commissioners of excise in *Scotland* for the time being, or of such person or persons as the commissioners of excise in *Scotland* shall from time to time appoint for that purpose, and the duties for the same shall be paid at the chief office of excise in *Edinburgh*, or at such other place, and to such person or persons, as the said commissioners of excise in *Scotland* shall appoint; but if such licences shall be taken out in any other part in *Scotland*, without the limits aforesaid, then such licences shall be granted under the hands and seals of the several collectors and supervisors of excise within their respective collections and districts, and the several duties for the same shall be paid to the collector of excise within whose collection such licences shall be so granted; and such respective commissioners of excise, and the persons so to be appointed by them respectively, and also all such collectors, are hereby respectively authorised and required to grant and deliver such licences to the per-

Where licences are to be taken out, and duties paid, in England or Wales; and where in Scotland.

sons who shall apply for the same, upon their payment of the duties herein-before mentioned.

Licences to be renewed annually.

III. And be it further enacted, That all and every person and persons who shall take out any such licence as aforesaid, is and are hereby required to take out a fresh licence, ten days at least before the expiration of twelve calendar months after taking out the first licence, before he, she, or they shall presume to make, build, construct, or sell, any of the carriages before mentioned; and in the same manner to renew every such licence from year to year, paying down the like sum for each and every new or renewed licence as is by this act required for the first licence, in manner, and at the places and times herein-before mentioned; and if any such person or persons as aforesaid shall, after the said fifth day of *July*, one thousand seven hundred and eighty-five, presume or offer to make, build, construct, or sell any of the carriages herein-before mentioned, without first taking out such licence, and renewing the same yearly, in manner aforesaid, he, she, or they shall respectively forfeit and lose the sum of ten pounds for each offence.

Penalty on making any coach, etc without taking out a licence, and renewing the same yearly.

Persons in partnership need not take out more than one licence for one house, etc.

IV. Provided always, and be it further enacted, That persons in partnership, and carrying on their trade and business in one house or shop only, shall not be obliged to take out more than one licence in any one year for carrying on such trade; and no one licence, which shall be granted by virtue of this act, shall authorise or empower any person or persons, to whom the same shall be granted, to make, build, construct, or sell any of the carriages herein-before mentioned, in any other house or place than the houses or places where he, she, or they did make, build, or construct the said carriages at the time of granting such licence.

Executors, etc. may act under licences of deceased persons.

V. Provided also, and be it further enacted, That upon the death of any person so licensed, it shall be lawful for the executors or administrators, or for the wife or child of such deceased person, to carry on the said trade of making, building, constructing, or selling such carriages as aforesaid, at the same place where such deceased person, by virtue of such licence, carried on such trade, during the residue of the term for which such licence was granted to such deceased person, without taking out a new licence during the residue of the said term.

A duty of 20s. to be paid for every four-wheeled carriage made for sale,

and 10s. for every two-wheeled one.

VI. And be it further enacted, That every coachmaker within the kingdom of *Great Britain* shall, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, pay to his Majesty, his heirs and successors, a duty of twenty shillings for every coach, berlin, landau, chariot, calash with four wheels, chaise-marine, chaise with four wheels, or caravan, or by what name soever such carriages now are or hereafter may be called or known; and the sum of ten shillings for every calash, chaise, and chair with two wheels, or by what name soever such carriages now are or hereafter may be called or known, which he, she, or they shall make, build, or construct for sale.

VII. *And, for better collecting, raising, levying, and securing the duties by this act imposed upon licences, and upon carriages newly built, made, or constructed, as aforesaid,* be it further enacted, That such of the said duties as are charged upon such licences, and upon carriages newly built, made, constructed, and sold in *England*, *Wales*, or the town of *Berwick upon Tweed*, shall be under the management of the commissioners and officers of his Majesty's revenue of excise in *England* for the time being; and such of the said duties as are charged upon such licences, and upon carriages newly built, made or constructed, and sold in *Scotland*, shall be under the management of the commissioners and officers of excise in *Scotland* for the time being; who are hereby respectively empowered to appoint proper officers for charging, collecting, and receiving the same.

Duties to be under the management of the commissioners of excise in England and Scotland respectively.

VIII. And be it further enacted by the authority aforesaid, That every coachmaker shall, once in six weeks, deliver a true account in writing of the number and kinds of such carriages as aforesaid, which he or she shall have made, built, or constructed, and sold, within six weeks, and of the days on which each carriage respectively was delivered or sent out of his or her shop or warehouse; and such coachmaker, or his or her chief workman or manager, shall make oath (or, being a Quaker, affirmation) to the truth of such account, according to the best of his knowledge and belief: and if such carriage or carriages shall be made within the limits of the chief office of excise in *London*, then such accounts, oaths, or affirmations, shall be delivered to, and administered by such officer or officers as the commissioners of excise in *England* shall appoint, at the said chief office of excise in *London*; and such coachmaker shall then and there pay and clear off all the duties due for such carriages as aforesaid; and if such carriage or carriages shall be made within the limits of the city of *Edinburgh*, then such accounts, oaths, or affirmations, shall be delivered to, and administered by such officer or officers as the commissioners of excise in *Scotland* shall appoint, at the chief office of excise at *Edinburgh*; and such coachmaker shall then and there pay to such officer all the duties due for such carriages as aforesaid; and if such carriage or carriages shall be made at any other place in *Great Britain*, then such accounts, oaths, or affirmations, shall be delivered to, and administered by the collector or supervisor of excise of the district within which such carriage or carriages shall be made, and such coachmaker shall then and there pay to such collector all the duties due for such carriages as aforesaid: and in case any coachmaker shall neglect to deliver in such account, or to verify the same upon oath or affirmation as aforesaid, or to pay down all the duties due for such carriages as aforesaid; every coachmaker so offending shall, for every such offence, forfeit the sum of twenty pounds.

Coachmakers, every six weeks, to deliver an account, on oath, of all carriages, made and sold.

At what places such accounts shall be delivered.

Penalty on default.

IX. And be it further enacted by the authority aforesaid, That all prosecutions for the recovery of penalties and forfeitures incurred for offences committed against this act, shall and may

Penalties how to be recovered.

may be heard, adjudged, and determined, either by bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*, if such penalty or forfeiture shall be incurred there, or in such manner and form as hereafter is directed; that is to say, all prosecutions for recovery of penalties and forfeitures incurred for offences committed against this act within the limits or jurisdiction of the chief office of excise in *London*, shall and may be heard, adjudged, and determined, by any three or more of the commissioners of excise in *England*, for the time being; and in case of appeal from the judgement of the said commissioners, (and not otherwise), shall be heard, adjudged, and determined, by the commissioners for appeals for the time being, or the major part of them, whose judgement therein shall be final, and not liable to be removed by *certiorari* into any of the courts at *Westminster*; and all prosecutions for recovery of penalties and forfeitures incurred for offences committed within all or any other the counties, cities, stewartries, shires, towns, or places, within the kingdom of *Great Britain*, shall and may be heard, adjudged, and determined, by any two or more of the justices of the peace residing near to the place where such offence shall be committed; and if either the informers or defendants shall think themselves aggrieved by the judgement given by such justices, it shall and may be lawful for every such informer or defendant to appeal to the justices of the peace at the next quarter sessions to be holden in and for the county, shire, stewartry, city, town, or place, where the penalty or forfeiture shall be incurred, who are hereby authorised and required to hear, adjudge, and determine the same, and whose judgement therein shall be final, and not liable to be removed by *certiorari* into any of the courts at *Westminster*; and the said commissioners for excise, and commissioners for appeals, (in case of appeals), and all justices of the peace aforesaid respectively, are hereby authorised and required, upon complaint or information, upon oath, exhibited and brought before them respectively as aforesaid, of the commission of any offence against this act, (which oath the said commissioners and justices of the peace respectively are hereby authorised to administer), to summon the party or parties accused, and upon the appearance or contempt of any person or persons so summoned, to proceed to the examination of the matter of fact; and upon due proof made thereof, either by the voluntary confession of the person or persons so summoned, or by the oath of one or more credible witness or witnesses, (which oath they the said commissioners and justices respectively have hereby power to administer), to give judgement or sentence thereupon, and to award and issue out warrants, under their hands respectively, for the levying of such penalties or forfeitures upon the goods and chattels of such person or persons, and to cause sale to be made of such goods and chattels, if they shall not be redeemed within fourteen days, rendering to such person or persons the overplus, (if any be); and for want of sufficient distress, to

Prosecutions within the limits of the excise office in London, to be determined by three commissioners, etc.

and in all other parts of Great Britain, shall be determined by two neighbouring justices.

Parties aggrieved may appeal to the quarter sessions.

Upon conviction or parties accused, commissioners, etc. may issue out warrants of distress, etc.

to impriſon the party or parties offending, till ſatisfaction be made.

X. And be it further enacted by the authority aforeſaid, That all the money ariſing from the duties by this act granted upon licences, and upon carriages newly made, built, or conſtructed, as aforeſaid, (the neceſſary charges of raiſing and accounting for the ſame excepted), ſhall from time to time be paid into the receipt of his Majeſty's exchequer at *Weſtminſter*, ſeparate and apart from all other duties; and ſhall be appropriated and applied to the ſame uſes and purpoſes as the duties on coaches and other carriages, granted by an act made in the twentieth year of the reign of his late Majeſty, and ſeveral ſubſequent acts, are applicable unto. Duties to be paid into the exchequer. Application thereof.

XI. And be it further enacted by the authority aforeſaid, That if any action or ſuit ſhall be brought or commenced againſt any perſon or perſons for any thing by him or them done in purſuance of this act, ſuch action or ſuit ſhall be commenced within three months next after the matter or thing done, and ſhall be laid in the proper county; and the defendant or defendants, in ſuch action or ſuit, may plead the general iſſue, and give this act, and the ſpecial matter, in evidence, at any trial to be had thereupon; and if afterwards a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their action or proſecution, or judgement ſhall be given againſt him, her, or them, upon demurrer, or otherwiſe, then ſuch defendant or defendants ſhall have treble coſts awarded to him, her, or them, againſt ſuch plaintiff or plaintiffs. Limitation of actions. General iſſue. Treble coſts.

CAP. L.

An act for repealing an act, made in the twenty-fourth year of the reign of his preſent Majeſty, intituled, An act for granting to his Majeſty certain duties on certificates iſſued with reſpect to the killing of game; *and for granting other duties in lieu thereof.*

WHEREAS *by an act, made in the twenty-fourth year of the reign of his preſent Majeſty, intituled,* An act for granting to his Majeſty certain duties on certificates iſſued with reſpect to the killing of game, *it was enacted, That, from and after the firſt day of* October, *one thouſand ſeven hundred and eighty-four, there ſhould be raiſed, levied, collected, and paid, throughout the kingdom of* Great Britain, *unto and for the uſe of his Majeſty, his heirs and ſucceſſors, the ſeveral rates and duties following; (that is to ſay), That every perſon in* Great Britain, *qualified with reſpect to property to kill game, ſhould, previous to their ſhooting at, killing, or deſtroying any game, deliver in a paper or account in writing, containing the name and place of abode of ſuch perſon, if in* England, *with the clerk of the peace of the county; and, if in* Scotland, *with the ſheriff or ſtewart clerk of the county where ſuch perſon ſhould reſide,* Preamble. Recital of 24 Geo. 3. c. 43.

ſide, and annually take out a certificate thereof; that upon every piece of vellum or parchment, or ſheet or piece of paper, upon which any certificate iſſued to any ſuch perſon ſhould be ingroſſed, written, or printed, there ſhould be charged a ſtamp-duty of two pounds two ſhillings: that every deputation or appointment of a gamekeeper, granted to any perſon by any lord or lady of a manor in England, *ſhould be regiſtered with the clerk of the peace of the county; and every ſuch deputation, by any proprietor of land in* Scotland, *ſhould be regiſtered in the ſheriff or ſtewart court books of the county in which the ſaid manor or lands ſhould be, and the gamekeeper ſo appointed ſhould annually take out a certificate thereof; that upon every piece of vellum or parchment, or ſheet or piece of paper, upon which any certificate, iſſued to any perſon under any deputation or appointment of gamekeeper, ſhould be ingroſſed, written, or printed, there ſhould be charged a ſtamp-duty of ten ſhillings and ſixpence: and whereas the payment of the ſaid rates and duties has been greatly evaded;* we, your Majeſty's moſt dutiful and loyal ſubjects, the commons of *Great Britain*, in parliament aſſembled, thinking it will be for the advantage of the publick to repeal the preſent rates and duties, and to grant unto your Majeſty the ſeveral rates and duties herein-after mentioned, to be applied to the uſes and purpoſes unto which the ſaid rates and duties granted by the above mentioned act, made in the twenty-fourth year of the reign of his preſent Majeſty, are now applicable; do therefore moſt humbly beſeech your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, from and after the firſt day of *July*, one thouſand ſeven hundred and eighty-five, the rates and duties granted by an act made in the twenty-fourth year of the reign of his preſent Majeſty, intituled, *An act for granting to his Majeſty certain duties on certificates iſſued with reſpect to the killing of game*, ſhall ceaſe, determine, and be no longer paid or payable.

The recited act repealed.

From July 1, 1785, the following duties ſhall be paid to his Majeſty; viz.

II. And be it further enacted by the authority aforeſaid, That, from and after the firſt day of *July*, one thouſand ſeven hundred and eighty-five, there ſhall be raiſed, levied, collected, and paid, throughout the kingdom of *Great Britain*, unto and for the uſe of his Majeſty, his heirs and ſucceſſors, the ſeveral rates and duties following; that is to ſay,

No perſon to deſtroy game, until he has delivered an account of his name and place of abode to the clerk of the peace, etc. and taken out a certificate thereof;

That every perſon in *Great Britain*, who ſhall uſe any dog, gun, net, or other engine, for the taking or deſtruction of game (not acting as a gamekeeper under or by virtue of a deputation or appointment duly regiſtered), ſhall previouſly deliver in a paper or account in writing, containing the name and place of abode of ſuch perſon, to the clerk of the peace, or his deputy, or to the ſheriff or ſtewart clerk of the county, riding, ſhire, ſtewartry, or place where ſuch perſon ſhall reſide, and annually take out a certificate thereof:

That

That upon every piece of vellum or parchment, or sheet or piece of paper, upon which any certificate issued to any such person shall be engrossed, written, or printed, there shall be charged a stamp-duty of two pounds, two shillings:

for which he shall pay annually a stamp-duty of 2l. 2s.

That every deputation or appointment of a gamekeeper, granted to any person by any lord or lady of a manor in *England*, or the dominion of *Wales*, shall be registered with the clerk of the peace of the county, riding, or place; and every such deputation or appointment, by any proprietor of land in *Scotland*, shall be registered with the sheriff or stewart clerk of the county, stewartry, or place in which the said manor or lands respectively lie, and the gamekeeper so appointed shall annually take out a certificate thereof:

Deputations of gamekeepers to be registered with the clerk of the peace, &c.

That upon every piece of vellum or parchment, or sheet or piece of paper, upon which any certificate issued to any person under any deputation or appointment of gamekeeper, shall be engrossed, written, or printed, there shall be charged a stamp-duty of ten shillings and sixpence.

a certificate whereof shall be taken out annually, charged with a 10s. 6d. stamp.

III. And be it further enacted by the authority aforesaid, That, for the better and more effectual levying, collecting, and paying the said duty herein-before granted, the same shall be under the government, care, and management of the commissioners, for the time being, appointed to manage the duties charged on stamped vellum, parchment, and paper; who, or the major part of them, are hereby required and empowered to employ the necessary officers under them for that purpose, and to allow such salaries and incidental charges as shall be necessary, and to cause such new stamps to be provided to denote the said duty as shall be requisite in that behalf, and to repair, renew, and alter the same from time to time as there shall be occasion, and do all other things necessary to be done for putting this act in execution, with relation to the said duties herein-before granted, in the like, and in as full and ample a manner as they, or the major part of them, are authorised to put in execution any former law concerning stamped vellum, parchment, and paper.

The duty to be under the management of the commissioners of stamp-duties.

IV. And be it further enacted by the authority aforesaid, That, from and after the first day of *July*, one thousand seven hundred and eighty-five, every person delivering into the office of the clerk of the peace, or his deputy, for the county, riding, or place, or if in *Scotland*, into the office of the sheriff or stewart clerk of the county, shire, stewartry, or place where he shall reside, a paper or account in writing, containing the name and place of abode of such person; and every gamekeeper, to whom any such deputation or appointment shall be granted as aforesaid, registering the same in manner aforesaid, and respectively requiring a certificate thereon, shall be annually intitled thereunto; and such clerk of the peace, or his deputy, and such sheriff or stewart clerk, shall thereupon issue a certificate, stamped as

Every person who shall deliver as aforesaid an account of his name, and place of abode; and every gamekeeper who shall register his deputation, &c. shall be annually intitled to a

certificate thereon. as herein-before is directed, to the effect or form following; that is to ſay,

Form of certificate. I A. B. *clerk of the peace for the county of* C. [or, as the caſe may happen to be], *deputy clerk of the peace*; or, if in Scotland, *I* A. B. *ſheriff or ſtewart clerk of the county of* C. *do hereby declare, That* E. F. *hath this day delivered into my office a paper, writing or account, containing his name and place of abode* [or, as the caſe may happen to be], *hath this day regiſtered a deputation, whereby he is appointed a gamekeeper by for the manor or lands of which I do hereby certify, in purſuance of an act of parliament, paſſed in the twenty-fifth year of King* George *the Third, intituled,* An act for repealing an act, made in the twenty-fourth year of the reign of his preſent Majeſty, intituled, "An act for granting to his Majeſty certain duties on certificates iſſued with reſpect to the killing of game;" and for granting other duties in lieu thereof.

Clerk of the peace, &c. to ſign and deliver certificates to ſuch perſons requiring the ſame.

V. And be it further enacted by the authority aforeſaid, That the ſaid clerk of the peace, or his deputy, or the ſaid ſheriff or ſtewart clerk, after he ſhall have ſigned ſuch certificate, ſhall forthwith iſſue the ſame, ſtamped as herein-before is directed, to the perſon or perſons reſpectively requiring the ſame in manner aforeſaid; and ſhall, previous to the delivery thereof, be intitled to demand and receive of and from ſuch perſon the ſum of one ſhilling for his own trouble in that behalf: and in caſe any ſuch clerk of the peace, or his deputy, or any ſheriff or ſtewart clerk, ſhall neglect or refuſe to iſſue to ſuch perſon or perſons as aforeſaid, ſo delivering in ſuch paper or account in writing, or regiſtering ſuch deputation as aforeſaid, a certificate properly marked and ſtamped as herein-before is directed, every ſuch clerk of the peace, or ſheriff or ſtewart clerk, ſhall, for every ſuch offence, forfeit and pay the ſum of twenty pounds, and moreover be liable to pay to his Majeſty, his heirs and ſucceſſors, the duty payable on ſuch certificate.

Defaulters herein ſhall forfeit 20l. for each offence.

Certificates when to be dated and iſſued.

VI. And be it enacted by the authority aforeſaid, That every certificate iſſued by the clerk of the peace, or his deputy, or by the ſheriff or ſtewart clerk, purſuant to this act, ſhall bear date on the day of the month on which the ſame ſhall be iſſued, and ſhall endure and remain in force from thence until the firſt day of *July* next following the date thereof, and no longer; and if any clerk of the peace, or his deputy, or ſheriff or ſtewart clerk, ſhall iſſue any certificate to any perſon otherwiſe than above directed, he ſhall forfeit and pay the ſum of twenty pounds.

Clerk of the peace, &c. who ſhall iſſue any certificate contrary to this act, ſhall forfeit 20l.

Certificates iſſued after Feb. 28, 1785. to continue in force until June 24, 1786.

VII. Provided always, and be it further enacted by the authority aforeſaid, That all certificates which ſhall have iſſued on or after the firſt day of *March*, one thouſand ſeven hundred and eighty-five, in purſuance of the ſaid herein-before recited act, ſhall endure and remain in full force for and during the time for which the ſame were granted, and until the firſt day of *July*, one thouſand ſeven hundred and eighty-ſix.

VIII. And

Every person who, after July 1, 1785, shall shoot at, or kill, any game, without a certificate, shall forfeit 20l.

VIII. And be it further enacted by the authority aforesaid, That, from and after the first day of *July*, one thousand seven hundred and eighty-five, if any person or persons shall use any greyhound, hound, pointer, setting dog, spaniel, or other dog, or any gun, net, or other engine, for the taking or destruction of any hare, pheasant, partridge, heath fowl, commonly called *Black Game*, or growse, commonly called *Red Game*, or any other game whatsoever, without having obtained such certificate, in such manner as herein-before is directed, every such person or persons shall forfeit and pay the sum of twenty pounds, to be recovered and applied as herein-after mentioned.

Penalty on gamekeepers neglecting to register their deputations, and to take out certificates.

IX. And be it further enacted by the authority aforesaid, That, from and after the first day of *July*, one thousand seven hundred and eighty-five, if any person to whom any deputation or appointment of a gamekeeper shall have been, or at any time thereafter shall be, granted by any lord or lady of a manor in *England*, or the dominion of *Wales*, or by any proprietor of land in *Scotland*, shall, for the space of twenty days next after the said first day of *July*, one thousand seven hundred and eighty-five, or for the space of twenty days next after such deputation or appointment shall thereafter be first granted, neglect or refuse to register the same, and take out a certificate thereon, in the manner herein-before directed, every such person, not having obtained some certificate as aforesaid, in pursuance of this act, shall forfeit and pay the sum of twenty pounds, to be recovered and applied as herein-after mentioned.

Not to extend to the royal family, etc.

X. Provided always, and be it further enacted by the authority aforesaid, That nothing herein contained shall make it necessary for any of the royal family to take out any such certificate as aforesaid, or shall restrain any person or persons appointed or deputed by them, or any of them, from the using any dog, gun, net, or other engine, for the taking or destruction of game within the forests, chases, parks, warrens, or other royalties to them respectively belonging or appertaining.

Clerks of the peace, etc. to transmit annually to the stamp-office correct lists of certificates granted by them;

XI. And be it further enacted by the authority aforesaid, That the clerks of the peace, or their deputies, or the sheriff or stewart clerks in their respective counties, ridings, shires, stewartries, or places, shall, on or before the first day of *November*, one thousand seven hundred and eighty-five, or sooner, if thereunto required by the commissioners of his Majesty's stamp-duties, transmit to the head office of stamps in *London*, a correct list, in alphabetical order, of the certificates by them issued between the twenty-fifth day of *March*, in the year one thousand seven hundred and eighty-five, and the first day of *October*, in the same year; and shall also, in every subsequent year, on or before the first day of *August*, in each such year, whenever they shall be thereunto required by the commissioners of his Majesty's stamp-duties, make out and transmit to the head office of stamps in *London*, correct lists, in alphabetical order, of the certificates so issued by them, distinguishing the duties paid on each respective certificate so issued; and on the delivery thereof,

thereof, the receiver general of the stamp-duties shall pay to every such clerk of the peace, or his deputy, or to every such sheriff or stewart clerk, for the making out and writing any such list, after the rate of one halfpenny for the name of every such person to whom such certificate shall have been issued, and which shall be inserted in such list; and in case any clerk of the peace, or his deputy, or any sheriff or stewart clerk, shall neglect or refuse to make out such lists as aforesaid, or shall not insert in such list a full, true, and perfect account, as herein-before directed, of all the persons the same ought to contain, then, and in every such case, every such clerk of the peace, or his deputy, and sheriff or stewart clerk, shall, for every such offence, forfeit and pay the sum of twenty pounds.

on penalty of 20l.

XII. And be it further enacted by the authority aforesaid, That all the said several lists, upon such transmission thereof as aforesaid, shall be deposited and kept at the said head office of stamps in *London*, and shall and may, within the office hours, be resorted to and inspected by any person whatsoever, on payment of one shilling, and no more.

Lists to be kept at the office, and may be inspected.

XIII. And be it further enacted, That the commissioners of his Majesty's stamp-duties shall, once or oftener in every year, as soon as conveniently may be after the said lists shall have been so transmitted to them as aforesaid, cause the same to be inserted in the newspapers circulating in each respective county, or in such publick newspaper as to them shall seem most proper.

Lists to be inserted in newspapers.

XIV. *And whereas deputations or appointments of gamekeepers, granted as before, may be revoked*, be it therefore enacted, That if any lord or lady of a manor in *England* or *Wales*, or proprietor of land in *Scotland*, shall make any new deputation or appointment of a gamekeeper for any manor or lands in the room of the person already appointed, and to whom any such certificate as aforesaid hath been issued, and shall register such new deputation or appointment with the clerk of the peace, or his deputy, or sheriff or stewart clerk of the county, riding, shire, stewartry, or place, in which the manor or lands shall be situate, and shall obtain a new certificate thereon, the first certificate granted shall be, and the same is hereby declared to be null and void; and the person acting under the same, after notice to him given of such new and other certificate, shall be liable to the penalties prescribed by this act, in the same manner as if no certificate had been granted to such person.

In case of any new appointment of a gamekeeper, etc. the former certificate to be void.

XV. *And, in order to prevent the evading the payment of the duties hereby granted, and to facilitate the detection of offenders against this act, by compelling the production of the said certificates to persons authorized to demand inspection of the same*; be it therefore enacted by the authority aforesaid, That if any person or persons shall be found using any dog, gun, net, or other engine, for the taking or destruction of game, by any other person who hath obtained a certificate in the manner herein-before directed, it shall and may be lawful for such other person, producing such cer-

Any person in pursuit of game, who shall refuse to produce his certificate

certificate, to demand and require from the person so using such dog, gun, net, or other engine as aforesaid, to produce and shew a certificate issued to him for that purpose as herein-before is directed; and every such person shall, upon such demand and requisition as aforesaid, produce such certificate to the person so demanding the same, and permit the same to be inspected accordingly; and if any such person shall wilfully refuse to produce and shew a certificate issued to him for that purpose, or, not having produced and shewn such certificate, shall refuse, on demand thereof, to give in his christian and surname, and the place of his residence, or shall give in any false or fictitious name or place of residence, every such person so offending shall forfeit and pay the sum of fifty pounds.

when required by any authorised person so to do,

or to tell his name, and place of abode, etc. shall forfeit 5ol.

XVI. And be it further enacted by the authority aforesaid, That the certificate hereby directed to be issued by the clerks of the peace, or their deputies, in the respective counties, ridings, or places in *England*, or by the sheriff or stewart clerks of the counties, shires, stewartries, or places in *Scotland*, shall not authorise or enable any person to use any greyhound, hound, pointer, setting dog, spaniel, or other dog, or any gun, net, or other engine for the taking or destruction of game, at any time or times, or in any manner prohibited by any law now in being; nor shall give to any person any right to use any greyhound, hound, pointer, setting dog, spaniel, or other dog, or any gun, net, or other engine for the taking or destruction of game, unless such person shall be duly qualified so to do, under and by virtue of the laws now in being made for the preservation of the game, but shall be liable to the same penalties in all or any of the said laws contained, as if this act had not been made.

Certificates not to authorise any person to kill game at any time prohibited by law, etc.

XVII. And be it further enacted by the authority aforesaid, That no certificate, obtained under any deputation or appointment of a gamekeeper, shall be pleaded or given in evidence in any case whatsoever, where the person having such certificate shall have used or shall use any greyhound, hound, pointer, setting dog, spaniel, or other dog, or any gun, net, or other engine for the taking or destruction of game, out of or beyond the precincts or limits of the manor or lands for or in respect of which such deputation or appointment was given and made.

Certificates obtained under deputations not to be given in evidence for killing game out of the manor, etc.

XVIII. *And whereas there are several cities and towns that are counties of themselves, and have no clerks of the peace to issue the certificates herein-before directed*; be it therefore enacted by the authority aforesaid, That every person residing in such cities and towns that are counties, shall and may deliver in the paper or account in writing, herein-before directed, to the office of the clerk of the peace, or his deputy, of any county, riding, or place adjoining to such city or town, who is hereby directed and required to issue his certificate to the person applying for the same, as is herein-before directed, in the same manner as if the person so requiring such certificate resided in the county of such clerk of the peace; and upon neglect or refusal to issue such certificate

Clause relative to those counties that have no clerks of the peace.

tificate as aforesaid, such clerk of the peace shall be liable to the same penalties as if he had refused or neglected to issue such certificate to any person applying for the same, resident in the county of such clerk of the peace.

Persons counterfeiting stamps to suffer death as felons.

XIX. And be it further enacted by the authority aforesaid, That if any person shall counterfeit or forge, or procure to be counterfeited or forged, any seal, stamp, or mark, directed or allowed to be used by this act, for the purpose of denoting the duties by this act granted, or shall counterfeit or resemble the impression of the same, with an intent to defraud his Majesty, his heirs, and successors, of any of the said duties, or shall utter, vend, or sell, any vellum, parchment, or paper, with such counterfeit mark or stamp thereupon, knowing such mark or stamp to be counterfeit; or if any person shall fraudulently use any seal, stamp, or mark, directed or allowed to be used by this act, with intent to defraud his Majesty, his heirs or successors, of any of the said duties; every person so offending, and being thereof convicted, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy.

Provisions of former acts relating to stamp-duties, to be in force in executing this act.

XX. And be it further enacted by the authority aforesaid, That all powers, provisions, articles, clauses, and all other matters and things prescribed or appointed by any former act or acts of parliament relating to the stamp-duties on vellum, parchment, and paper, shall be in full force and effect with relation to the rates and duties hereby imposed, and shall be applied and put in execution for the raising, levying, collecting, and securing the said new rates and duties hereby imposed, according to the true intent and meaning of this act, as fully, to all intents and purposes, as if the same had severally and respectively been hereby enacted with relation to the said new rates and duties hereby imposed.

Penalties how to be recovered and applied.

XXI. And be it further enacted by the authority aforesaid, That all pecuniary penalties, imposed on any person or persons for offences committed against this act, may be sued for and recovered in any of his Majesty's courts at *Westminster*, for offences committed in that part of *Great Britain* called *England*, the dominion of *Wales*, or the town of *Berwick upon Tweed*, and in his Majesty's court of sessions, court of justiciary, or court of exchequer, in *Scotland*, for offences committed in that part of *Great Britain* called *Scotland*, by action of debt, bill, plaint, or information, wherein no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed, and wherein the plaintiff, if he or she shall recover any penalty or penalties, shall recover the same for his or her own use, with costs of suit.

Any justice of the county, &c. in all offences against this act where the penalty doth not exceed 20l. may summon the par-

XXII. Provided always, That, from and after the said first day of *July*, one thousand seven hundred and eighty-five, it shall and may be lawful for any one or more justice or justices of the peace of the county, riding, shire, stewartry, division, city, liberty, or place, wherein any offence or offences against this act shall be committed; and such justice or justices is and are hereby required, upon information or complaint to him or them made,

made, to summon the party or parties accused, and also the witnesses on either side, to appear before him or them; and upon the appearance of the party or parties accused, or in default of his, her, or their appearance according to such summons, to proceed to hear and determine the matter in a summary way; and upon due proof made thereof, either by the voluntary confession of the party or parties accused, or by the oath of one or more credible witness or witnesses, to give judgement or sentence for the penalty or forfeiture, according as in and by this act is directed; and to award and issue out his warrants under his hand and seal, for the levying any pecuniary penalties and forfeitures so adjudged on the goods of the offender, and to cause sale to be made thereof, in case they shall not be redeemed within six days, rendering to the party the overplus, if any; and where sufficient goods of such offender cannot be found to answer the penalty, to commit such offender to the common gaol, or house of correction, there to remain for the space of six months, unless such penalty shall be sooner paid and satisfied; and if such person or persons shall find himself or themselves aggrieved by the judgement of any such justice, then he or they shall and may, upon giving security to the amount of the value of such penalty and forfeiture, together with such costs as shall be awarded, in case such judgement shall be affirmed, appeal to the justices of the peace at the next general quarter sessions for the county, riding, or place, who are hereby impowered to summon and examine witnesses upon oath, and finally to hear and determine the same; and in case the judgement of such justice shall be affirmed, it shall be lawful for such justices to award the person or persons to pay costs occasioned by such appeal, as to themselves shall seem meet.

ties before him, and determine in a summary way.

Penalties may be levied by distress,

or the offender committed.

Persons aggrieved may appeal to the quarter sessions, upon giving proper security.

XXIII. And be it enacted by the authority aforesaid, That if any person or persons shall be summoned as a witness or witnesses, to give evidence before such justice or justices of the peace, touching any of the matters relative to this act, either on the part of the prosecutor, or of the person or persons accused, and shall neglect or refuse to appear, at the time and place to be for that purpose appointed, without a reasonable excuse for such his, her, or their neglect or refusal, to be allowed of by such justice or justices of the peace before whom the prosecution shall be depending, that then every such person shall forfeit, for every such offence, the sum of ten pounds, to be levied and paid in such manner and by such means as is herein-before directed as to other penalties.

Persons summoned as witnesses, and not appearing, to forfeit 10l.

XXIV. And be it further enacted by the authority aforesaid, That the justice or justices of the peace before whom any offender shall be convicted as aforesaid, shall cause the said conviction to be made out in the manner and form following, or in any other form of words to the same effect, *mutatis mutandis*; that is to say:

How justices to proceed for conviction of offenders.

Form of conviction.

BE *it remembered, That on the day of in the year of our Lord at in the county of* A. B. *came before me* C.D. *one of his Majesty's justices of the peace for the said county, residing near the place where the offence was committed, and informed me that* E. F. *of on the day of now last past, did use a gun, dog, net, or other engine,* (as the case may be), *for the taking or destruction of game, and did thereby and therewith take, kill, and destroy, a hare, or other game,* (as the case may be), [here set forth the fact for which the information was laid], *without having the certificate required by law for that purpose; whereupon the said* E.F. *after being duly summoned to answer the said charge, appeared before me, and having heard the charge contained in the said information declared he was not guilty of the said offence;* (or, as the case may happen to be), *did not appear before me pursuant to the said summons,* (or *did neglect and refuse to make any defence against the said charge, but the same being fully proved upon the oath of* G.H. *a credible witness,* (or as the case may happen to be), *acknowledged and voluntarily confessed the same to be true: and it manifestly appearing to me that he the said* E. F. *is guilty of the said offence charged upon him in the said information; I do therefore hereby convict him of the offence aforesaid, and do declare and adjudge that he, the said* E.F. *hath forfeited the sum of of lawful money of* Great Britain, *for the offences aforesaid, according to the form of the statute in that case made and provided.*

Given under my hand and seal, the day of

Justice may mitigate penalties.

XXV. Provided nevertheless, That it shall and may be lawful to and for the said justice or justices, where he or they shall see cause, to mitigate and lessen any such penalties as he or they shall think fit, reasonable costs and charges of the officers and informers, as well in making the discovery as in prosecuting the same, being always allowed over and above such mitigated penalty, and so as such mitigation do not reduce the penalties to less than a moiety of the penalties incurred, over and above the said costs and charges, any thing herein contained to the contrary notwithstanding; and no such conviction shall be removeable by *certiorari* into any court whatsoever.

No offender against this act to be imprisoned more than three months.

XXVI. Provided always, and be it enacted, That nothing in this act contained shall extend, or be construed to extend, to subject any person or persons whatsoever to a longer imprisonment than three calendar months, for nonpayment of any fine or penalty to be imposed under the authority of this act.

Duties to be paid to the receiver general of the stamp-duties, and by him paid into the exchequer.

XXVII. And be it further enacted by the authority aforesaid, That the several duties herein-before granted shall be paid, from time to time, into the hands of the receiver general for the time being of the duties on stamped vellum, parchment, and paper, who shall keep a separate and distinct account of the several rates and duties, and pay the same (the necessary charges of raising, paying, and accounting for the same, being deducted) into

into the receipt of the exchequer, at ſuch time and in ſuch manner as the duties charged on ſtamped vellum, parchment, and paper, are directed to be paid; and that in the office of the auditor of the ſame receipt ſhall be provided and kept a book or books, in which all the monies ariſing from the ſaid ſeveral rates and duties, and paid into the ſaid receipt as aforeſaid, ſhall be entered ſeparate and apart from all other monies paid or payable to his Majeſty, his heirs or ſucceſſors, upon any account whatſoever; and the ſaid money ſo paid into the ſaid receipt of exchequer as aforeſaid, ſhall be a fund for the payment of the ſeveral annuities, and all ſuch other charges and expences as are directed to be paid and payable purſuant to an act of the laſt ſeſſion of parliament, intituled, *An act for raiſing a certain ſum of money by way of annuities, and for eſtabliſhing a lottery.*

Auditor to provide a book for entering the duties ſeparate from all others.

Application thereof.

XXVIII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall at any time or times be ſued, moleſted, or proſecuted, for any thing by him or them done or executed in purſuance of this act, or of any clauſe, matter, or thing herein contained, ſuch perſon or perſons ſhall or may plead the general iſſue, and give the ſpecial matter in evidence for his or their defence; and if upon the trial a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs become nonſuited, then ſuch defendant or defendants ſhall have treble coſts awarded to him or them againſt ſuch plaintiff or plaintiffs.

Defendants may plead the general iſſue,

and recover treble coſts.

CAP. LI.

An act for repealing the duties on licences taken out by perſons letting horſes for the purpoſe of travelling poſt, and on horſes let to hire for travelling poſt, and by time, and on ſtage coaches; and for granting other duties in lieu thereof; and alſo additional duties on horſes let to hire for travelling poſt, and by time.

WHEREAS *by an act, made in the twentieth year of the reign of his preſent Majeſty,* (*intituled,* An act for repealing an act, made in the nineteenth year of the reign of his preſent Majeſty, intituled, *An act for granting to his Majeſty certain duties on licences to be taken out by all perſons letting horſes to hire, for travelling in the manner therein mentioned; and certain duties on all horſes let to hire for the purpoſes of travelling poſt, and by time; and upon certain carriages therein mentioned*; and for granting other duties in lieu thereof; *it was enacted, That, from and after the firſt day of* Auguſt, *one thouſand ſeven hundred and eighty, there ſhould be raiſed, levied, collected, and paid, throughout the kingdom of* Great Britain, *unto and for the uſe of his Majeſty, his heirs and ſucceſſors, the ſeveral rates and duties following*; (*that is to ſay,*) *That every poſtmaſter, innkeeper, or other perſon in* Great Britain, *who ſhould let to hire any horſe for the purpoſe of travelling poſt by the mile, or from ſtage to ſtage, or being a perſon uſually letting horſes to hire, ſhould let to hire for a day, or any leſs pe-*

Preamble.

Recital of 20 Geo. 3. c. 51.

riod of time, any horse for drawing any coach or other carriage, used in travelling post or otherwise, for or in respect whereof any rate or duty under the management of the commissioners of excise for the time being, then was made payable by any statute then in force, should yield and pay annually unto his Majesty, his heirs and successors, the sum of five shillings for a licence for that purpose; That for and in respect of every horse hired by the mile or stage, to be used in travelling post in Great Britain, *there should be charged a duty of one penny for every mile such horse should be hired to travel post; and that for and in respect of every horse hired for a day, or any less period of time, for drawing on a post or other publick road, any coach or other carriage, used in travelling post, or otherwise, in respect whereof any duty under the management of the commissioners of excise for the time being, then was made payable by any statute then in force, there should be charged, if the distance should be then ascertained, the sum of one penny* per *mile; and if the distance should not then be ascertained, there should be charged the sum of one shilling and sixpence for and in respect of each horse so hired; such duty to be paid by the person or persons by whom such horse should be so hired: That every person who should keep any coach or other carriage, by what name soever the same then was called, to be employed as a publick stage coach or carriage, for the purpose of conveying passengers for hire to and from different places in the kingdom of* Great Britain, *should yield and pay annually unto his Majesty, his heirs and successors, the sum of five shillings for a licence for that purpose; and that every coach or other carriage, by what name soever called or known, to be employed as publick stage coaches, for the purpose of conveying passengers for hire to and from different places in the kingdom of* Great Britain, *should be, and the same were thereby charged with a duty of one halfpenny for every mile such carriage should travel, to be paid by the owner or owners thereof respectively: and whereas, by an act made in the twenty-third year of the reign of his present Majesty, (intituled,* An act for granting to his Majesty an additional duty upon stage coaches, and other carriages therein mentioned,) *it was enacted, That, from and after the first day of* August, *one thousand seven hundred and eighty-three, there should be raised, levied, collected, and paid, throughout the kingdom of* Great Britain, *unto and for the use of his Majesty, his heirs and successors, upon every coach or other machine, to be employed as a publick stage coach or carriage, for the purpose of conveying passengers for hire to and from one place to another in the kingdom of* Great Britain, *an additional duty of one halfpenny for every mile such carriages should travel, to be paid by the owners thereof: and whereas the payment of the said rates and duties have been greatly evaded; we, your Majesty's most dutiful and loyal subjects, the commons of* Great Britain, *in parliament assembled, do therefore think that it will be for the advantage of the publick to repeal the present rates and duties, and to grant unto your Majesty other rates and duties in lieu thereof, and also additional duties on horses let to hire for the purpose of travelling post, and by time;* and do most humbly beseech your Majesty that it may be enacted;

23 Geo. 3. c. 63.

acted;

acted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, the rates and duties granted by an act, made in the twentieth year of the reign of his present Majesty, intituled, *An act for repealing an act, made in the nineteenth year of the reign of his present Majesty, intituled*, An act for granting to his Majesty certain duties on licences, to be taken out by all persons letting horses to hire, for travelling in the manner therein mentioned; and certain duties on all horses let to hire for the purposes of travelling post, and by time; and upon certain carriages therein mentioned; *and for granting other duties in lieu thereof*;) and also the additional rate and duty granted by an act, made in the twenty-third year of the reign of his present Majesty, (intituled, *An act for granting to his Majesty an additional duty upon stage coaches, and other carriages therein mentioned*,) shall cease, determine, and be no longer paid and payable; except only such monies as shall have been received, or shall be payable by the several postmasters, innkeepers, and other persons, for and on account of the said rates and duties, at any time on or before the said first day of *August*, and which be unaccounted for and unpaid by them to the several collectors appointed by virtue of the acts to receive the same.

From Aug. 1, 1785, the rates granted by 20 Geo. 3. c. 51. and 23 Geo. 3. c. 63. repealed.

II. Provided always, and it is hereby enacted and declared, That the several bonds, given in pursuance of the said acts, or either of them, shall continue and be of full force and effect, with respect to all duties due and owing by virtue of the said recited acts, and also with respect to the several duties by this act granted, and all matters and things therein contained.

Bonds given in pursuance of the said acts,

III. And it is hereby further enacted and declared, That the several licences granted in pursuance of the said acts, shall continue in full force and effect, for and during the periods for which the same have been respectively granted; and that the several appointments made by the commissioners of stamps to the several persons appointed collectors of the said duties, shall remain and continue in full force, until revoked by the said commissioners.

and licences granted, etc. to continue in force.

IV. And be it further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, there shall be raised, levied, collected, and paid, throughout the kingdom of *Great Britain*, unto and for the use of his Majesty, his heirs and successors, the several rates and duties following; (that is to say,)

New duties.

That every postmaster, innkeeper, or other person in *Great Britain*, who shall let to hire any horse for the purpose of travelling post by the mile, or from stage to stage, or being a person usually letting horses to hire, shall let to hire for a day, or any less period of time, any horse for drawing any coach or other carriage used in travelling post, or otherwise, by whatsoever

Every postmaster, etc. who shall let horses to hire for travelling post, for an annual licence, 5s.

ever name such carriages now are or hereafter may be called or known, for or in respect whereof any rates or duties, now or heretofore under the management of the commissioners of excise, are or have been made payable by any statute or statutes now in force, shall yield and pay annually unto his Majesty, his heirs and successors, the sum of five shillings for a licence for that purpose:

Every person hiring horses to travel post, to pay, for each horse, 1 d. halfpenny per mile;

That for and in respect of every horse hired by the mile or stage, to be used in travelling post in *Great Britain*, there shall be charged a duty of one penny halfpenny for every mile such horse shall be hired to travel post:

or 1 s. 9 d. per day, where the distance shall not be ascertained:

And that for and in respect of every horse hired for a day, or any less period of time, for drawing on any publick road any coach or other carriage used in travelling post, or otherwise, by whatsoever name such carriages now are or hereafter may be called or known, for or in respect whereof any rates or duties, now or heretofore under the management of the commissioners of excise, are or have been made payable by any statute or statutes now in force, there shall be charged, if the distance shall be then ascertained, the sum of one penny halfpenny *per* mile; and if the distance shall not then be ascertained, there shall be charged the sum of one shilling and nine-pence for and in respect of each horse so hired; such duty to be paid by the person or persons by whom such horse shall be so hired:

Every person keeping a diligence, post-coach, or other four-wheeled carriage, for carrying only four inside passengers, for hire, or any stage-coach, etc. shall pay annually 5 s. for a licence;

and shall also pay 1 d. for every mile such carriage shall travel.

That every person who shall keep any coach, berlin, landau, chariot, calash, chaise-marine, chaise, diligence, or other carriage with four wheels, or any calash, chaise, chair, or other carriage with two wheels, by what name soever the same now is or hereafter shall be called or known, to be employed as publick stage coaches or carriages, for the purpose of conveying passengers for hire to and from different places in the kingdom of *Great Britain*, shall yield and pay annually unto his Majesty, his heirs and successors, the sum of five shillings for a licence for that purpose:

And that every coach, berlin, landau, chariot, calash, chaise-marine, chaise, diligence, or other carriage with four-wheels, or any calash, chaise, chair, or other carriage with two wheels, by what name soever the same now is or hereafter shall be called or known, to be employed as publick stage coaches or carriages, for the purpose of conveying passengers for hire, to and from different places in the kingdom of *Great Britain*, shall be, and the same is hereby charged with a duty of one penny for every mile such carriage or carriages as aforesaid shall travel, to be paid by the owner or owners thereof respectively.

The said duties to be under the management of the commissioners for stamp-duties.

V. And, for the better and more effectual raising, levying, collecting, and paying the said rates and duties herein-before granted, the same shall be under the government, care, and management of the commissioners for the time being appointed to manage the duties payable to his Majesty, his heirs, and successors, and charged on stamped vellum, parchment, and paper;

paper; who, or the major part of them, are hereby required and impowered to appoint and employ such officers under them for that purpose, and to allow such salaries and incidental charges as shall be necessary, and to provide and use such marks or stamps as they shall think fit; and to repair, renew, or alter the same from time to time as there shall be occasion; and to do all other acts, matters, and things necessary to be done for putting this act in execution, with relation to the said rates and duties hereby granted, in the like, and in as full and ample manner as they, or the major part of them, are authorised to put in execution any of the laws now in being concerning stamped vellum, parchment, and paper.

Penalty on persons letting out horses to travel post, etc. without a licence.

VI. And be it further enacted, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, no person whatsoever, required by this act to be licensed, shall, unless he or she be authorised and enabled, in the manner herein-after prescribed, let out any horse for hire, either by the mile or stage, or to draw any coach, berlin, landau, chariot, calash with four wheels, or any calash, chaise, or chair with two wheels, or any other carriage used in travelling post, or otherwise, by whatsoever name such carriages now are or hereafter may be called or known, (upon which any rates or duties, now or heretofore under the management of the commissioners of excise, are or have been reserved or made payable,) for a day, or less period of time, upon pain to forfeit, for every such offence the sum of ten pounds, to be recovered and applied as herein-after is directed.

Any two commissioners of the stamp-duties, or person authorised by them, may grant licences for letting out horses to hire.

VII. And be it further enacted, That, from and after the passing of this act, any two or more of his Majesty's commissioners, appointed for managing the duties arising by stamps on vellum, parchment, or paper, or some person duly authorised by them, shall grant licences to such persons who shall apply for the same, to let out horses for hire, in the manner aforesaid, in any city, town, or other place within *Great Britain*, for the space of one year, to commence from the said first day of *August*, one thousand seven hundred and eighty-five, upon all licences to be granted on or before that day; and upon licences to be first granted to any person or persons after the said first day of *August*, one thousand seven hundred and eighty-five, to commence from the day of the date of every such licence; and all and every person or persons who shall take out such licence for letting out horses for hire, in manner aforesaid, shall take out a fresh licence for another year, ten days at least before the expiration of that year for which he, she, or they shall be so licensed, if he, she, or they shall continue to let out horses for hire in manner aforesaid; and shall, in like manner, renew such licence from year to year, paying down the respective sums due for such licences, as long as he, she, or they shall continue to let out horses for hire in manner aforesaid.

No person to keep more

VIII. And be it further enacted, That no postmaster, innkeeper, or other person whatsoever, licensed or to be licensed by

than one inn, etc. for letting horses, by virtue of one licence, on penalty of 20l.

by authority of this act, shall, by virtue of one licence, keep more than one inn, house, or other place for letting horses for the purposes aforesaid; but for each and every inn, house, or other place, which any postmaster, innkeeper, or other person, shall keep for the purposes aforesaid, a separate and distinct licence shall be taken out and paid for by such postmaster, innkeeper, or other person; upon pain to forfeit, for every inn, house, or other place, so kept by him, her, or them, not licensed as aforesaid, the sum of twenty pounds, to be recovered and applied as herein is directed.

Licensed innkeepers, etc. to cause certain words to be painted on the fronts of their houses, etc. before they let horses for hire;

IX. And be it further enacted, That every postmaster, innkeeper, or other person, so licensed to let horses as herein-before mentioned, shall cause the words (*Licensed to let Post Horses*) to be painted or written in legible characters, either on a sign hung out, or in some visible place in the front of his, her, or their house, stables, or out-offices, at the respective places at which he, she, or they let out horses to hire as aforesaid, to denote that such postmaster, innkeeper, or other person, is a letter or furnisher of horses, and authorised to furnish travellers with the same, pursuant to law: and if any postmaster, innkeeper, or other person so licensed as aforesaid, shall presume to let out horses for hire, as herein-before mentioned, without fixing or hanging out such token as aforesaid, every postmaster, innkeeper, or other person, so offending, shall, for every such offence, forfeit and pay the sum of five pounds, to be recovered and distributed as herein-after is directed.

on penalty of 5l.

Innkeepers, etc. who furnish carriages to travel post, shall affix their names, and their place of abode, on some conspicuous part thereof;

X. And be it further enacted, That every person so licensed as aforesaid, shall, if he, she, or they furnish his, her, or their own chaises, or other carriages, at the same time with such horses let to hire to travel post as aforesaid, mark or paint, or cause to be marked or painted, on the outside pannel of each door of the chaise, or other carriage so furnished, his, her, or their christian and surname, and the name of the city, town, or place, of his, her, or their abode, in large and legible characters, in letters of a colour distinct from the colour of the carriage, each letter at least one inch in length, and continue the same thereupon, as long as such chaise or carriage shall be so used; and if any person or persons shall neglect or omit to mark or paint the same, as herein-before is directed, or shall mark or paint, or cause to be marked or painted, any false or fictitious name, or place of abode, on such chaise or other carriage, he, she, or they shall forfeit, for every such offence, the sum of five pounds.

on penalty of 5l.

Innkeepers, etc. who furnish carriages to travel for a day, or less period of time, shall affix, upon some conspi-

XI. And be it further enacted, That every postmaster, innkeeper, or other person so licensed as aforesaid, if he, she, or they furnish his, her, or their own coaches, berlins, landaus, chariots, calashes, chaises, or other carriages with four wheels, or any calash, chaise, chair, or other carriage aforesaid with two wheels, at the same time with such horses let to hire for a day, or less period of time, for drawing on any publick road, where such carriages shall have a box, or other outside seat for the driver

driver thereof, shall affix upon some conspicuous part of the footboard, or other part of such box or seat, a brass or tin plate, on which there shall be marked or engraved the christian and surname of every such owner or owners, and the name of the city, town, and place, of his, her, or their abode, in large and legible characters, and continue the same thereon, and replace the same as often as occasion shall require, during the time such coach, or other carriage as aforesaid, shall be so used; and where such carriages so furnished as aforesaid shall not have a box or other outside seat for the driver thereof, shall affix upon a conspicuous part of the pole, shaft, or splinter-bar of every such carriage as aforesaid, a brass or tin plate, upon which there shall be marked or engraved the christian and surname of every such owner or owners, together with the name of the city, town, or other place, of his, her, or their abode, in large and legible characters, and continue the same thereon, and replace the same as often as occasion shall require, during the time any such carriage as aforesaid shall be so used: and if any person or persons shall omit or neglect so to do, or mark or engrave, or cause to be marked or engraved, any false or fictitious name or place of abode, on any such plate so to be affixed on any such coach, berlin, landau, chariot, chaise, or other carriage as aforesaid, he, she, or they shall forfeit, for every such offence, the sum of five pounds.

conspicuous part thereof, a brass or tin plate, containing their names and places of abode.

Penalty on neglect, etc.

XII. And be it further enacted, That the said commissioners appointed for managing the duties arising by stamps on vellum, parchment, and paper, shall, at the time of issuing such licence as aforesaid, deliver, or cause to be delivered, to every postmaster, innkeeper, or other person so licensed, printed or written papers, (intituled, *Stamp-office Weekly Accounts*,) in which shall be inserted the day of the week, and blanks left for the number of horses and miles, and name of the town or place to which such horses shall be hired to go; and also for the day of the month, and the names of the postillions or drivers employed, to be filled up as herein-after directed, according to the following form, or such other form as the said commissioners shall judge convenient for keeping such accounts.

Commissioners of stamp-duties are to deliver, to every person taking out a licence, printed or written papers:

Stamp-

Stamp-office Weekly Account.

A. B. of *C.*

Month and Day.	Week and Day.	Names of Postillions or Drivers.												Names of places to which the Horses are hired to go.	Duty.
		A. B.		*C. D.*		*E. F.*		*G. H.*		*I. K.*		*L. M.*			
		No. of		No. of		No. of		No. of		No. of		No. of			
		Horses.	Miles.	Horses.	Miles.	Horses.	Miles.	Horses.	Miles.	Horses.	Miles.	Horses.	Miles.		
	Sunday														
	Monday														
	Tuesday														
	Wednesday														
	Thursday														
	Friday														
	Saturday														

The form thereof.

And shall also deliver, or cause to be delivered, a number of tickets, on which shall be printed or written the words (*Stamp-office,*) and also the word (*Horses,*) and 1, 2, 3, 4, 5, or 6, in figures, as the tickets may be intended to denote the numbers; and likewise the word (*Miles,*) except where the horses are hired for a day, or any less period of time, and then, instead of the word (*Miles,*) the words (*For a Day*) shall be inserted, and also the amount of the duty, at and after the rate of one shilling and nine-pence for each horse, according to the number of horses expressed by figures on such tickets, and shall take especial care that all persons so licensed shall be sufficiently furnished with such accounts and tickets; and in case any officer employed in the execution of this act, in relation to the said rates and duties, shall wilfully refuse or neglect to do or perform any matter or thing by this act required or directed to be done or performed by him, whereby any of his Majesty's subjects shall or may sustain any damage whatsoever, such officer so offending shall be liable, in any action to be founded on this statute, to answer to the party aggrieved all such damages, with treble costs of suit.

And also certain tickets.

Penalty on officers making default.

XIII. And it is hereby further enacted, That each and every postmaster, innkeeper, or other person, so licensed to let horses for the purpose aforesaid, shall, at the time of receiving his, her, or their first licence, give security, by bond, to his Majesty, his heirs and successors, in the sum of fifty pounds, with a condition that he, she, or they will, whenever thereunto required, redeliver, or cause to be redelivered, the stamp-office tickets which he, she, or they may have received, and that may remain unaccounted for by him, her, or them, or will pay the money due thereon; and that he, she, or they will also deliver to the person or persons properly authorised, by the commissioners appointed for managing the duties arising by stamps on vellum, parchment, and paper, to inspect the same, and to receive the money due thereon, the stamp-office accounts so delivered to him, her, or them, as aforesaid, faithfully made out, signed, and attested, as herein-after directed, and make payment of all such sum and sums of money as shall be due and payable to his Majesty, in pursuance of, and according to the true intent and meaning of this act; and also truly and faithfully to observe and perform all the directions, matters, and things, herein contained, on his, her, or their behalf, to be observed and performed; and in case of the nonperformance or breach of such condition, it shall and may be lawful for the said commissioners, or the persons so appointed by them, to cause each and every such bond to be prosecuted according to law; and in case of judgement against the defendant, the said commissioners may, if they shall think fit, refuse to grant to such person, against whom such judgement shall be obtained, any licence to let horses as aforesaid in future.

Postmasters, etc. on receiving their first licence, to give security for the redelivery of tickets unaccounted for, etc.

XIV. And, to prevent any disputes arising at what rate or value the tickets shall be settled which may have been deliver-

ed,

ed, in pursuance of this act, to the postmasters, innkeepers, or others, and which may remain unaccounted for by him, her, or them, be it enacted, That such tickets shall be valued in account, and paid for, in case of any deficiency, at and after the rate of one shilling and nine-pence for each horse, according to the number of horses expressed by figures on such tickets, and in the receipt given by such postmasters, innkeepers, or other persons for the same.

Tickets unaccounted for, how to be valued.

XV. And be it further enacted, That all and every postmaster, innkeeper, or other person licensed as aforesaid, who shall let horses to hire by the mile or stage, to be used in travelling post, shall, by themselves or servants, previous to the using such horse or horses, ask, demand, and receive, for the use of his Majesty, his heirs and successors, of and from the person or persons hiring the same, the sum of one penny halfpenny *per* mile for each mile such horse shall be so hired to travel, at and after the rate or number of miles which he, she, or they shall charge such traveller or travellers for the stage or distance such horse may be hired to go; and shall, at the same time he or she receives payment of the duty for such horse or horses, deliver, or cause to be delivered, to the person or persons hiring such horse or horses, one or more of the stamp-office tickets herein-before mentioned, as occasion shall require, and to which such postmaster, innkeeper, or other person, shall add, or cause to be added, if an innkeeper, the name of his sign or house; if not an innkeeper, his or her name; and he shall also insert the name of the city, town, or place where such licensed person resides, and the name of the town or place to which such horses may be hired to go; and if to *London*, the name of the street, square, or place in *London*; and in words or figures the month, and day of the month, and the number of miles, for which such horse or horses are so hired: and if any postmaster, innkeeper, or other person, under pretence of there not being any turnpike or toll-bar upon the road through which he may be hired to go, or, under any other pretence whatsoever, shall neglect to ask, demand, and receive the said duty of one penny halfpenny *per* mile from such person or persons hiring such horse or horses, or shall neglect or refuse to deliver the ticket or tickets, filled up as herein-before directed, to such person or persons so hiring the horses as aforesaid, such postmaster, innkeeper, or other person, shall, for every such offence, forfeit and pay the sum of ten pounds; and moreover, in case of not receiving the said rate or duty, be chargeable therewith to his Majesty, his heirs and successors, in the same manner as if he, she, or they, had actually received the same.

Postmasters, etc. letting out horses to travel post, shall receive, for the use of his Majesty, of the persons hiring the same, 1 d. 2q. for every mile each horse is to travel;

and shall deliver to them stamp-office tickets properly filled up.

Penalty on neglect thereof.

XVI. And be it further enacted, That all and every traveller or travellers to whom the tickets, whereon shall be expressed the number of miles, shall be delivered as aforesaid, if they shall pass through any turnpike or toll-bar, shall, at the first turnpike, toll-bar, or bridge, at which any toll shall be by law collected, through which he, she, or they shall pass, deliver,

Travellers to deliver their tickets at the first turnpike they shall pass through.

deliver, or cauſe to be delivered, to the toll-gate keeper there, the ticket or tickets ſo given to him, her, or them at the place where he, ſhe, or they hired ſuch horſe or horſes, which the ſaid toll-gate keeper is hereby directed to demand, and to receive and file; and if any traveller or travellers, ſo going poſt as aforeſaid, ſhall have neglected to take ſuch ticket or tickets, or ſhall not deliver, or cauſe the ſame to be delivered, properly filled up, as herein-before is directed, he, ſhe, or they ſhall, before ſuch horſes be permitted to paſs through ſuch turnpike or toll-bar, pay for every horſe hired and uſed by ſuch traveller or travellers the ſum of one ſhilling and nine-pence, which the gate-keeper is hereby authoriſed to aſk and demand, and not permit ſuch horſe or horſes to paſs till he, ſhe, or they ſhall have paid the ſame, or produced ſuch ticket or tickets as aforeſaid.

Penalty on neglect.

XVII. And be it further enacted, That no traveller ſhall be compelled to pay for a greater number of miles than ſhall be expreſſed upon the ticket by this act directed to be iſſued to ſuch traveller; and if any poſtmaſter, innkeeper, or other perſon ſo licenſed as aforeſaid, ſhall inſert in ſuch ticket the name of any other town or place than the town or place to which the horſes ſhall be hired to go, or ſhall fill up a leſs number of miles than the number charged to ſuch traveller, every poſtmaſter, innkeeper, or other perſon ſo offending, ſhall forfeit and pay the ſum of ten pounds; and the ſaid commiſſioners ſhall, if they think fit, after conviction of ſuch offender, refuſe to grant ſuch offender any licence in future.

No traveller to pay for more miles than ſhall be expreſſed upon his ticket. Penalty on poſtmaſters, etc. for falſely filling up tickets.

XVIII. *And whereas poſtmaſters, innkeepers, and other perſons, add the number of miles upon the tickets iſſued by them to perſons travelling poſt, according to the diſtance of the ſtage, yet nevertheleſs charge the traveller a ſum of money not at or after any certain rate* per *mile, under a pretence that the ſum ſo charged is their price for the ſtage*; be it therefore enacted, That where any ticket ſhall be iſſued, with the number of miles expreſſed thereon, and the poſtmaſter, innkeeper, or other perſon ſo iſſuing the ſame, ſhall charge the traveller a ſpecifick ſum by the ſtage, and not at or after the uſual or any certain rate *per* mile, in every ſuch caſe, ſuch poſtmaſter, innkeeper, or other perſon, ſhall be accountable for one fourth part of the money ſo received by him, her, or them, as and for the duty by this act directed to be paid; and ſhall, in that caſe, expreſs on the ſaid ticket the money charged to ſuch traveller, and enter in the weekly account, herein-before directed to be kept, one fourth part of the money ſo received, and pay the ſame to the collector or collectors appointed by this act to receive and collect the ſaid duties; and if any poſtmaſter, innkeeper, or other perſon, ſhall act contrary hereto, he, ſhe, or they ſhall, for every offence, forfeit and pay the ſum of ten pounds, to be recovered and applied as herein-after is directed.

Clauſe relative to charging travellers a ſpecifick ſum by the ſtage, and not by the mile.

XIX. And be it further enacted, That all and every poſtmaſter, innkeeper, and other perſon ſo licenſed as aforeſaid, who

Poſtmaſters, etc. letting

out horses to travel by the day, etc. shall receive, for the use of his Majesty, of the persons hiring them, 1 d. halfpenny for every mile each horse is to travel, or 1s. 9d. for each horse, where the distance shall not be ascertained;

who shall let to hire any horse or horses by the day or less period of time, as aforesaid, shall, by themselves or servants, previous to such horse or horses being used, ask, demand, and receive, for the use of his Majesty, his heirs and successors, of and from the person or persons hiring the same, the sum of one penny halfpenny *per* mile for each mile such horse or horses shall be so hired to go, where the distance shall be ascertained, and where the distance shall not be ascertained, then the sum of one shilling and nine-pence for each horse so hired, previous to such horse or horses being used; and shall, at the same time, deliver, or cause to be delivered, to the person or persons so hiring such horse or horses, one or more of the stamp-office tickets herein-before mentioned, with the words *(for a Day,)* inserted therein, as occasion shall require; and to which every postmaster, innkeeper, or other person, shall add, or cause to be added, if an innkeeper, the name of his sign or house, if not an innkeeper, his or her name; and he shall also insert the name of the city, town, or place where such licensed person resides, and, in words or figures, the month, and day of the month; and if any postmaster, innkeeper, or other person, shall neglect to ask, demand, and receive the said duty of one penny halfpenny *per* mile, or one shilling and nine-pence for each horse, as the case shall happen to be, from such person or persons hiring the same, or shall neglect or refuse to deliver the ticket or tickets so filled up as aforesaid, such postmaster, innkeeper, or other person shall, for every such offence, forfeit and pay the sum of ten pounds, and moreover, in case of not receiving the said rate or duty, be chargeable therewith to his Majesty, his heirs and successors, in the same manner as if he, she, or they had actually received the same.

and shall deliver to them stamp-office tickets properly filled up.

Penalty on postmasters, etc. for neglect.

Day-tickets to be delivered at the first turnpike;

XX. And be it further enacted, That every person or persons, to whom such day-ticket as aforesaid shall be delivered, if he, she, or they shall, in the course of the day for which such ticket shall be given, pass through any turnpike, toll-bar, or over any bridge (where any toll is collected by virtue of any act or acts of parliament), shall, at the first turnpike, toll-bar, or bridge, through which he, she, or they shall pass, deliver, or cause to be delivered, to the toll-gatherer there, the day-ticket or tickets so given to him, her, or them, at the place where he, she, or they hired such horse or horses, which the said toll-gatherer is hereby directed to demand, and to receive and file; and in return for such day-ticket or tickets, every such person or persons shall receive from the said toll-gatherer a ticket, (called *An Exchange Ticket*), to be supplied from the stamp-office, which shall contain the name of the county in which the turnpike or toll-bar shall be, and the words (*Received Day-ticket*); and also the number of horses according to the figures expressed in such day-ticket, together with the name of the city, town, or place, at which such day-ticket was given, and some mark or number, denoting the particular day in which such exchange ticket was issued, in printed or written letters or figures;

in return for which the gate-keeper shall give an exchange ticket,

gures; which said exchange tickets the said toll-gatherer is hereby directed to deliver to such person or persons *gratis*, in return for such day-ticket so left with him as aforesaid; and which said exchange ticket so delivered shall be shewn by such person or persons at every turnpike or toll-bar, through which he, she, or they shall afterwards on that day pass with such horse or horses for which such day-ticket shall have been given: and if any person or persons, to whom such day-ticket or tickets shall be delivered as aforesaid, shall neglect or refuse to leave the same at such first turnpike as aforesaid, or shall refuse to shew the ticket, so given to him, her, or them in exchange, at every turnpike or toll-bar, through which he, she, or they shall on that day pass as aforesaid, he, she, or they shall pay, for every horse then used by him, her, or them, the sum of one shilling and nine-pence, before such horse or horses shall pass through such turnpike, toll-bar, or bridge, the gatekeeper or toll-gatherer there is hereby authorised to ask, demand, receive, and retain the same to his own use; and where the name of the owner of the carriage shall be marked on the footboard or seat, or pole, shaft, or splinter-bar, as herein-before is directed to be done, when the carriage is let out to hire at the same time with the horses, then such gatekeeper or toll-gatherer shall not permit such horse or horses to pass through until such traveller shall have paid the same, or left such day-ticket or tickets, or shall have produced and shewn such exchange ticket, as aforesaid.

which shall be shewn at every turnpike during that day. Penalty on travellers not delivering day-tickets, etc.

XXI. And be it further enacted, That if any person or persons shall take off, or cause to be taken off, the brass or tin plate, herein-before directed to be affixed on carriages used as herein-before mentioned, with an intent to evade the payment of the duty, or the sum of one shilling and nine-pence for each horse to be paid at the turnpike or toll-bar, as herein-before is directed; every such person or persons so offending, shall forfeit and pay the sum of ten pounds, to be recovered and applied in the same manner as the other penalties in this act are directed to be recovered and applied.

Penalty on taking off the before-mentioned brass or tin plate, in order to evade payment of the duty;

XXII. And be it further enacted, That in case any carriage, upon which any brass or tin plate is directed to be affixed as aforesaid, shall pass through any turnpike or toll-bar, without having such brass or tin plate then affixed thereon, in the manner herein-before directed, the driver or drivers of every such carriage shall forfeit and pay the sum of forty shillings, to be recovered and applied in the manner herein-after appointed.

and on drivers of carriages passing through any turnpike without such plate.

XXIII. *And, in order to prevent evasions in the filling up the said tickets, where the horses are hired to return in a less period of time than two days, and the distance shall be ascertained*, be it enacted, That where any postmaster, innkeeper, or other person, shall let to hire any horse or horses as aforesaid to return in a less period of time than two days, and the number of miles, instead of the words (*For a day*), shall be inserted in such ticket, every licensed postmaster, innkeeper, or other person, shall fill up the name of the place to which the horses are hired to go,

How tickets for less than two days shall be filled up.

and the true number of miles, aſcertaining the diſtance both going to and returning from the place expreſſed in ſuch ticket; and in default of not filling up the ſaid ticket, as herein-before is directed, every ſuch poſtmaſter, innkeeper, or other perſon, ſhall forfeit and pay the ſum of ten pounds, and moreover be chargeable with the ſaid duty to his Majeſty, his heirs and ſucceſſors, in the ſame manner as if he or ſhe had actually received the ſame.

Deſcription of the certificates to be delivered to travellers who ſhall hire horſes for two days, or more.

XXIV. *And, in order to prevent frauds where horſes ſhall be let to hire for two or more days*, be it enacted, That every poſtmaſter, innkeeper, or other perſon, when he ſhall let to hire for two days, or a longer ſpace of time, any horſes for drawing any carriage as aforeſaid, on any publick road, ſhall deliver, or cauſe to be delivered, to the perſon travelling in ſuch carriage, or to the driver thereof, a note or certificate, to be ſupplied from the ſtamp-office, on which ſhall be engraved or printed (*Hired for Two or more Days*), and to which ſuch poſtmaſter, innkeeper, or other perſon ſhall add the day of the month, the name of the place of his abode, and the number of days for which the ſaid horſes ſhall be hired, and the name and place of abode of the perſon hiring the ſame; and the perſon travelling in ſuch carriage, or the driver thereof, ſhall, at the firſt turnpike, or other place where toll is by law collected, if he, ſhe, or they ſhall paſs through any, deliver to the toll-gate keeper there the note or certificate ſo given to him or her as aforeſaid, which the ſaid toll-gate keeper is hereby directed to aſk and demand, and to receive and file; and in return for ſuch note or certificate, the toll-gate keeper ſhall deliver a ticket, called (*The Check Ticket*), to be ſupplied from the ſtamp-office, which ſhall contain the name of the county in which the turnpike or toll-bar ſhall be, and the words (*Certificate delivered*), and alſo the name of the town or place whence ſuch note or certificate iſſued, together with ſome mark or number denoting the particular day on which ſuch check ticket was iſſued, in printed or written letters or figures; which ſaid check ticket the ſaid toll-gate keeper is hereby directed to deliver to ſuch perſon or perſons *gratis*, in return for ſuch note or certificate ſo left with him as aforeſaid, and which ſaid check ticket, ſo delivered, ſhall be ſhewn by the driver of ſuch carriage, or ſome perſon therein, to the toll-gatherer at every turnpike or toll-bar through which the ſaid horſes may have occaſion to paſs: and if any perſon or perſons, ſo hiring ſuch horſes for the purpoſes aforeſaid, ſhall have neglected to take ſuch note or certificate as above ſpecified, or ſhall neglect or refuſe to leave the ſame at ſuch firſt turnpike or toll-bar as aforeſaid, or ſhall refuſe to ſhew, at the ſeveral turnpikes or toll-bars through which he ſhall paſs, the check ticket ſo given to him by the toll-gate keeper as aforeſaid, ſuch traveller or travellers ſhall pay for every horſe then uſed by him or her the ſum of one ſhilling and nine-pence before ſuch horſes be permitted to paſs ſuch turnpike or toll-bar, which the ſaid toll-gate keeper is hereby authoriſed to aſk, demand, and receive,

Such certificate to be delivered at the firſt turnpike;

for which the gate-keeper ſhall give a check ticket.

If travellers neglect to take ſuch certificates, etc.

they ſhall pay 1s. 9d. for each horſe, which the gate-keeper may retain to his own uſe.

receive, and retain to his own use, and not permit such horses to pass till such travellers shall have paid the same, or produced such note or certificate, or such check ticket as aforesaid; and if any postmaster, innkeeper, or other person, shall, in such note or certificate, insert any false or fictitious name or place of his or her abode, or shall wilfully insert therein any fictitious name, or place of abode of the person hiring such horses, or shall, in letting out such horses for the purposes aforesaid, by any device or collusion, pretend to let out his horses for a longer space of time than the time for which the same were actually hired, with an intent to evade the duty hereby imposed, such postmaster, innkeeper, or other person shall, for every such offence, forfeit the sum of twenty pounds; and the said commissioners shall, if they think fit, after conviction of such offender, refuse to grant such offender any licence in future.

Penalty on postmasters, &c. delivering false certificates, &c.

XXV. Provided always, and it is hereby enacted and declared, That every horse hired for the purpose of drawing any carriage as aforesaid for any less period of time than two successive compleat days, shall be deemed, for the purposes of this act, to be hired for a day, and shall be subject to all the rules, regulations, and restrictions, as horses hired for a day, or less period of time, for drawing such carriages as aforesaid, are by this act made liable and subject to.

Horses hired for any less time than two days, shall be deemed to be hired for one day.

XXVI. And be it further enacted by the authority aforsaid, That every toll-gate keeper who shall have received any of the day tickets, or the notes or certificates for two or more days, as herein-before mentioned, and shall refuse to give any traveller or travellers *gratis*, the tickets hereby directed to be given in exchange, or who shall deliver the exchange ticket or check ticket, without having received in lieu thereof the stamp-office day ticket, or the note or certificate for two or more days, as herein-before mentioned; or who shall make, or permit or suffer to be made, any alteration in any of the tickets hereby directed to be filed by him or her, after such tickets shall have come to his or her custody, or shall deliver any of the tickets directed to be received and filed by him or her, to any person or persons other than the person or persons duly authorised as herein-after mentioned to receive the same, he or she shall, for every such offence, forfeit and pay the sum of forty shillings, to be recovered as herein-after is directed.

Penalty on gate-keepers for neglect of duty.

XXVII. And it is hereby further enacted, That every postmaster, innkeeper, or other person so licensed to let horses as aforesaid, shall insert, in the account herein-before specified, so delivered to him, her, or them, from the stamp-office, the number of horses used in travelling post, and the number of miles for which such horses shall have been so used, and the name of the town or place to which such horses were hired to go; also the number of horses let to hire for a day, or any less period of time; and also the note or certificate so issued by them as aforesaid, and the day of the month on which the said day tickets were used, or such note or certificate was issued, toge-

Enumeration of particulars to be inserted, by postmasters, etc. in the account to be delivered them from the stamp-office.

ther with the names of the postilions or drivers employed: which said account shall be signed by such postmaster, innkeeper, or other person so licensed as aforesaid, and witnessed by the hostler, or other servant employed in preparing and getting ready such horses, and shall be open, when required, to the inspection of any person or persons duly authorised under the hands and seals of the said commissioners for managing the duties on stamped vellum, parchment, and paper, to inspect the same; and such postmaster, innkeeper, and other person so licensed as aforesaid, residing in the city of *London* or liberty of *Westminster*, shall, the first *Tuesday* or *Wednesday* in every month, and such other person so licensed as aforesaid, residing within five miles of the head office for stamps, or within the bills of mortality, shall, the first *Thursday* or *Friday* in every month, or at such other times as may be appointed by the said commissioners, on publick notice given in the *Gazette*, bring in and deliver to the commissioners, or to the person or persons appointed by them for the purpose of receiving the same, at the head office, the accounts herein-before directed for the four weeks ending on the *Saturday* preceding such day of delivery, and shall, at the same time, pay such sum and sums of money which shall appear to be due thereon to the receiver general for the time being of the duties on stamped vellum, parchment, and paper, or to the proper officer for the time being for collecting the said duties, for the use of his Majesty, his heirs, and successors, at the head office, upon pain of forfeiting ten pounds for every default in not delivering in such account, and double the amount of the money so due and payable from such postmaster, innkeeper, or other person, for the said rates or duties, for the nonpayment thereof.

At what times licensed persons residing in London or Westminster, or within five miles thereof, or in the bills of mortality, shall deliver their accounts at the stamp-office, etc.

XXVIII. And it is hereby further enacted, That every postmaster, innkeeper, or other person, so licensed as aforesaid, not residing within the cities of *London* or *Westminster*, or within five miles of the same, or within the bills of mortality, shall, at such times and places to be appointed for that purpose as hereinafter mentioned, produce and deliver the accounts hereinbefore directed for the weeks ending on the *Saturday* preceding such delivery, and then unaccounted for, to the person or persons duly authorised and commissioned, under the hands and seals of three of the said commissioners for managing the duties on stamped vellum, parchment, and paper, to receive such accounts, and the money due thereon; and at the same time pay to such person or persons all sum and sums of money, which shall appear to be due upon such accounts, under the penalty of ten pounds for every default in not delivering such accounts, and double the amount of the money due and payable from such postmaster, innkeeper, or other person, for the said rates or duties, for the nonpayment thereof.

Where and when licensed persons living in other parts of the kingdom shall deliver their accounts, etc.

XXIX. And be it further enacted, That every postmaster, innkeeper, or other person so licensed as aforesaid, shall enter, or cause to be entered, in his weekly account, the tickets, notes, or

Postmasters, etc. to enter tickets in their weekly

or certificates, so issued by him, her, or them, on the day in which the same shall be issued; and if any postmaster, innkeeper, or other person, shall date any of the posting tickets or day tickets, or any note or certificate, by him or her delivered as aforesaid, in any other manner than as the same shall, at the time of such delivery, be entered in his or her weekly account or accounts, he, she, or they shall, for every such offence, forfeit and pay the sum of forty shillings, to be recovered and applied as herein-after is directed.

account on the day they were issued,

on penalty of 40s.

XXX. And it is hereby further enacted, That every postmaster, innkeeper, or other person, so licensed as aforesaid, who shall be guilty of any wilful concealment, or making false accounts, or any other fraudulent contrivance, device, or pretence whatsoever, with an intent or design to defraud his Majesty, his heirs and successors, of any of the rates or duties imposed by this act, or any part thereof, such postmaster, innkeeper, or other person, shall forfeit the sum of fifty pounds, to be recovered as herein-after directed; and the said commissioners shall and may, if they shall so think fit, after judgement obtained against such offender, refuse to grant to such offender any licence in future.

Penalty on postmasters, etc. who shall endeavour to defraud his Majesty of the rates imposed by this act.

XXXI. *And, in order to prevent the evading the payment of the duties hereby granted, by permitting carriages, conveying persons post, to be drawn by horses which have paid the duty for the stage, under pretence of such horses being upon the return home*; be it further enacted, That every postmaster, innkeeper, or other person, who shall take the hire for such horses by the mile, or from stage to stage, shall be considered as the person to whom the duties herein-before granted shall be paid, and shall be chargeable with, and accountable for the same, as if such postmaster, innkeeper, or other person, was the actual proprietor of such horses, although the same may belong to, and be the property of any other licensed postmaster, innkeeper, or other person.

Every postmaster, etc. who shall take the hire for horses travelling post, shall be accountable for the duty.

XXXII. *And, in order to prevent evading the payment of the duties hereby granted upon horses hired by the mile or stage, under the pretence of the letting such horses for a day, or any less period of time*, be it enacted, That no postmaster, innkeeper, or other person, at whose inn, house, or other place kept for letting horses to hire, any traveller or travellers shall change horses, shall let to hire any horse or horses to such traveller or travellers, in any other manner than by the mile or stage; and if any postmaster, innkeeper, or other person, shall act contrary hereto, he, she, or they shall, for every such offence, forfeit and pay the sum of ten pounds, to be recovered as herein-after mentioned.

No postmaster, etc. at whose house any traveller shall change horses, shall let them any otherwise than by the mile or stage.

XXXIII. *And in order to prevent any obstruction or inconvenience to travellers, from the name of the town or place to which the horses may be hired to go, being inserted in the ticket as herein-before is directed*; be it enacted, That where any postmaster, innkeeper, or other person so licensed as aforesaid, at whose inn, house, or other place, any traveller or travellers shall apply to change horses, if he or she cannot furnish horses to convey such travellers

Where innkeepers cannot furnish horses to travellers,

they are to give them a fresh ticket properly filled up, etc.

vellers on their journey, when applied to for that purpose, such postmaster, innkeeper, or other person, shall and is hereby directed to issue to any traveller requiring the same, a fresh ticket properly filled up, and receive the duty due thereon, and charge himself or herself therewith, in the same manner as if the horses had been hired from such postmaster, innkeeper, or other person.

Toll-gate keepers to be allowed 3d. in the pound for all ticket they shall deliver to collectors

XXXIV. *And, for the encouragement of the toll-gate keepers to be attentive and vigilant in the execution of this act, and as a compensation for their trouble*; be it enacted, That all and every toll-gate keeper shall be, and is hereby authorised to demand and receive from the collector, or other person appointed to get in the same, to whom he, she, or they shall deliver the day tickets and posting tickets, in the manner herein-after directed and prescribed, the sum of three-pence for every pound sterling, which the duties upon any such tickets shall amount unto, and at and after that rate for any less sum than a pound sterling; and such collector, or other person, is hereby authorised to pay and allow the same accordingly; and that such allowance of three-pence in the pound shall be over and above the allowance or privilege hereby given to such toll-gate keepers of retaining the money by him, her, or them, collected from such traveller or travellers, person or persons, who shall not, pursuant to this act, have delivered the tickets to such toll gate keeper as aforesaid.

Where and when the toll-gate keepers shall bring the said tickets.

XXXV. Provided always nevertheless, and it is hereby enacted, That all and every toll-gate keeper shall, for the compensation and allowance aforesaid, bring, or cause to be brought, the tickets herein-before mentioned, by him or her received, if within five miles of the head office for stamps, then to the said head office there, or to such other place, within the bills of mortality, as the commissioners of the stamp-duties shall appoint; and if beyond the distance of five miles from the head office, then to such places, and at such times, as the collector, appointed to collect such tickets, shall require, and deliver up, or cause to be delivered up, such tickets to the collector to be appointed as aforesaid.

Penalty on toll gate keepers who shall not deliver up tickets on demand;

XXXVI. And be it further enacted, That all and every toll-gate keeper, who shall have received such stamp-office tickets as aforesaid, who shall not bring, or cause to be brought, such tickets at the times and places aforesaid, shall, upon demand made at the gate of such turnpike or toll-bar, deliver such tickets to the collector to be appointed by the said commissioners for managing the duties on stamped vellum, parchment, and paper, as aforesaid; and if any toll-gate keeper shall refuse to deliver up all and every such stamp-office tickets so received by him or her, upon such demand as aforesaid, every toll-gate keeper shall, for each ticket he or she shall so refuse to deliver up, forfeit and pay the sum of five shillings, to be recovered as herein-after is directed.

XXXVII. And be it further enacted, That if any toll-gate keeper

keeper shall wilfully neglect to ask and demand, or shall refuse to receive, from any person or persons, any ticket or tickets, hereby directed to be delivered to such toll-gate keeper as aforesaid, or shall neglect or refuse to file the same when delivered, every such toll-gate keeper, so wilfully neglecting to ask and demand, or refusing to receive and file such tickets, shall, for every such offence, forfeit and pay the sum of five pounds, to be recovered, levied, and applied in manner herein-after directed.

or who shall neglect to receive or to file any tickets, as required by this act.

XXXVIII. *And, in order to prevent any collusion or fraudulent practices in toll-gate keepers*, be it enacted, That in case any toll-gate keeper shall ask, demand, or receive, or agree to take or accept any less sum or sums of money than he or she is hereby authorised to ask, demand, and receive, and retain to his own use, every such toll-gate keeper shall, for every such offence, forfeit and pay the sum of twenty shillings, to be recovered and applied in the manner herein-after appointed.

Gate-keepers fraudulently accepting less than they are authorised to demand, forfeit 20s.

XXXIX. *And whereas there are many publick roads on which there are no turnpikes, so that the tickets directed to be issued by the several postmasters, and other persons, cannot be received and filed as directed by this act, whereby great frauds are practised*; be it therefore enacted, That it shall and may be lawful to and for the commissioners appointed to manage the duties on stamped vellum, parchment, and paper, to erect bars and gates across any publick road, for the receipt of the tickets directed to be issued in pursuance of this act, and to place a person or persons thereat, who shall have, and are hereby invested with the same power and authority, to collect and receive the tickets, notes, or certificates so issued, and to demand the money from the travellers for not producing and shewing the same, as the turnpike men are authorised by this act to collect, demand, and receive, and to be liable and subject to the same penalties for any thing done contrary to this act, as the turnpike men are subject and liable to.

Commissioners may erect bars and gates across publick roads, and appoint persons to receive tickets, etc.

XL. And be it further enacted, That all and every postmaster, innkeeper, or other person so licensed as aforesaid, not residing within five miles of the head office for stamps, nor within the bills of mortality, shall, at the times and at the places to be mentioned at the foot of the first licence granted to him, her, or them, when the same shall be delivered, and afterwards at the foot of every receipt which shall be given by the collector for the money paid in by him, her, or them, on account of the said duties, attend and there deliver in and pass his account, and pay the duty received by him, her, or them as aforesaid, to the collector so appointed to collect the same: provided that no such person as aforesaid shall be compelled to travel for the payment of the said duties, or other cause whatsoever, touching or concerning the same, if he, she, or they live in a market town, out of the said town; or if he, she, or they live out of a market town, then to no other place than to the market town nearest to his, her, or their habitation.

Where postmasters, etc. residing out of the bills of mortality, etc. are to attend and pass their accounts.

This act not to extend to horses used in hackney-coaches, etc.

XLI. Provided also, and it is hereby further enacted and declared, That nothing herein contained shall extend, or be construed to extend, to any horses used in hackney coaches, licensed pursuant to several acts of parliament made for that purpose, where the horses drawing such hackney coaches shall be employed to go no greater distance than ten miles from the cities of *London* or *Westminster*, and the suburbs thereof.

All horses hired by the mile, or stage, to be deemed hired to travel post.

XLII. And it is hereby further enacted and declared, That every horse, hired by the mile or stage, shall be deemed to be hired to travel post, within the true intent and meaning of this act, although the person or persons hiring the same do not go or travel several stages upon a post road, or change horses; and although at the stage or place, at or to which such horses shall be hired, there shall not be any post house; and although there shall not be any post settled or established on the road, or any part thereof, upon which such horses shall be hired to go; any thing herein-before contained, or any law or usage, to the contrary notwithstanding.

On the death of any licensed postmaster, etc. his executors, etc. shall not be liable to any penalty for letting horses to hire, provided they take out a licence within 30 days after his death.

XLIII. And be it further enacted, That if any postmaster, innkeeper, or other person, licensed to let horses in manner aforesaid, shall die, it shall and may be lawful for his or her executors, administrators, or other persons succeeding to such inn, house, or other place, to let horses to hire in manner aforesaid, until such time as such person shall procure such licence, and give such security as herein-before directed, without being liable to the penalty herein-before inflicted upon the persons letting horses to hire without being licensed in that behalf, provided that such licence be taken out within thirty days after the death of such postmaster, innkeeper, or other person; and such person or persons shall be subject to the same rules, regulations, and charges, and liable to account, and to the payment of the same rates and duties imposed, as such postmaster, innkeeper, or other person, was subject and liable to account for.

After Aug. 1, 1785, every postmaster, etc. on delivering his accounts, shall make oath to the truth thereof.

XLIV. *And, for the more effectually taking an account of the several duties imposed by this act, and preventing frauds therein*, be it enacted, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, every postmaster, innkeeper, or other person, so licensed to let horses as aforesaid, shall at the respective times of delivering their accounts to the commissioners, or other person appointed by them to receive the same, at the head office, or to the collector or collectors authorised by the said commissioners to receive the same, and the money due thereon, make oath, or, being one of the people called *Quakers*, make and subscribe a solemn affirmation before such commissioners, or other person appointed as aforesaid, or collector or collectors, who are hereby respectively authorised and impowered to administer such oath and affirmation to the truth of the accounts then delivered, in the form following:

The oath.

I A. B. *do swear*, (or *affirm*, as the case may require), *That the several weekly accounts, now by me delivered, of the duties arising upon*

upon horses, which I have let for the purpose of travelling post, or otherwise, from the day of to the day of as far as the same have been entered and kept by me, are fair, just, and true accounts; and that I have charged therein the duty for the true number of miles, received for the use of his Majesty, from the travellers who have hired horses from me; and that I have inserted therein an account of all the day-tickets, notes, and certificates issued by me; and as far as such accounts have been entered and kept by any other person or persons, I verily believe the same to be true.

So help me GOD.

Penalty on postmasters, etc. swearing falsely, or refusing to take the oath.

And if any postmaster, innkeeper, or other person, taking the said oath or affirmation hereby appointed, shall thereby commit wilful perjury, and be thereof convicted, he, she, or they shall, for such offence, be subject and liable to such pains and penalties as by any law now in being persons convicted of wilful and corrupt perjury are subject and liable to; and if any postmaster, innkeeper, or other person, so licensed as aforesaid, shall refuse to take the oath or affirmation above required, the collector or collectors of the said duty may refuse to receive the money due on such accounts; and such postmaster, innkeeper, or other person, shall be liable to the penalty of twenty pounds, in the same manner as if they had not delivered in their accounts, and paid the money due thereon, for each and every such account so refused to be attested or affirmed.

No person shall let out for hire any diligence, or post-coach, &c. without a licence, on penalty of 10l. for each offence.

XLV. And be it further enacted, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, if any person who shall keep any coach, berlin, landau, chariot, calash, chaise-marine, chaise, diligence, or other carriage with four wheels, or any calash, chaise, chair, or other carriage with two wheels, by what name soever the same now is or hereafter shall be called or known, to be employed as publick stage coaches or carriages, for the purpose of conveying passengers for hire to and from different places within the kingdom of *Great Britain*, shall let out the same for such purpose, without having first obtained a licence under the hands of two of the said commissioners for managing the duties on stamped vellum, parchment, and paper, or some person duly authorised by them, he, she, or they shall forfeit, for every time such coach, diligence, or other carriage shall be so used, the sum of ten pounds, to be recovered and applied as hereinafter is directed.

Commissioners of stamp-duties to grant such licences to all persons who shall apply for them.

XLVI. And be it further enacted, That, from and after the passing of this act, any two or more of his Majesty's commissioners, appointed for managing the duties arising by stamps on vellum, parchment, and paper, or some person duly authorised by them, shall grant licences, under their hands and seals, to any person or persons who shall apply for the same to let out for hire any such coach, diligence, or other carriage, directed to be licensed by virtue of this act, for the space of one year,

year, to commence from the firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, upon all licences to be granted on or before that day, and upon licences to be firſt granted to any perſon or perſons after the ſaid firſt day of *Auguſt*, to commence from the day of the date of ſuch licences; which ſaid licence ſhall be renewed at leaſt ten days previous to the expiration of the year for which it was granted; and if the perſon or perſons ſo licenſed ſhall continue to let out for hire ſuch coach, diligence, or other carriage, hereby directed to be licenſed, he, ſhe, or they ſhall, in the ſame manner, renew ſuch licence from year to year, paying down the reſpective ſums due for ſuch licence, and ſo yearly and every year as long as he, ſhe, or they ſhall continue to let out ſuch coach, diligence, or other carriage, for the purpoſe aforeſaid.

Licence to be renewed ten days previous to the expiration, etc.

Only one diligence, etc. to be kept by virtue of one licence.

XLVII. And be it further enacted, That no perſon or perſons ſo licenſed to let out coaches, diligences, or other carriages, hereby directed to be licenſed, ſhall, by virtue of one licence, keep more than one coach, diligence, or other carriage, for the purpoſes aforeſaid.

All licenſed perſons to pay one penny for every mile their diligence, &c. ſhall travel;

XLVIII. And be it further enacted, That all and every perſon and perſons ſo licenſed to uſe any coach or coaches, diligences, or other carriages, to be employed as publick ſtage coaches as aforeſaid, ſhall yield and pay to his Majeſty, his heirs and ſucceſſors, the ſum of one penny for every mile every ſuch coach or coaches, diligences, or other carriages, ſhall be ſo uſed to travel as aforeſaid.

and ſhall declare, when they receive their licence, to and from what places it is intended to be uſed, and how often.

XLIX. And it is hereby further enacted, That all and every perſon or perſons ſo licenſed to uſe ſuch coach or coaches, diligences, or other carriages, to be employed as publick ſtage coaches as aforeſaid, ſhall, at the time of receiving ſuch licence, declare from what place and to what place ſuch coach or coaches, or other carriages, hereby directed to be licenſed, is intended to be uſed, diſtinguiſhing the diſtance or number of miles between the two extreme towns, or other places, ſuch coach or coaches, or other carriages, is or are intended to go, and the number of journies each ſuch coach or coaches, diligences, or other carriage or carriages, is or are intended to be uſed, either in the day or in the week, as the caſe may happen to be, that the ſame may be inſerted in ſuch licence; and all and every perſon or perſons, ſo licenſed for ſuch purpoſe as aforeſaid, ſhall give ſecurity, by bond to his Majeſty, his heirs and ſucceſſors, in the ſum of twenty pounds, or in treble the ſum to which the duty for the journies inſerted in ſuch licences for one month would amount unto, in the option of the ſaid commiſſioners, with a condition for the faithful accounting for and paying ſuch ſums as may be due for the journies expreſſed in ſuch licences.

All diligences, etc. going to or from London or Weſtminſter, ſhall

L. And be it further enacted, That all coaches, diligences, or other carriages, directed to be licenſed by virtue of this act, that ſhall go from *London* or *Weſtminſter* to any place in the country, or that ſhall come from the country to any place in

London

London or *Westminster*, shall be licensed at the head office by the commissioners, or some person authorised by them. be licensed at the stamp-office.

LI. *And, in regard it may be difficult to ascertain the number of times such licensed coaches, diligences, or other carriages, making short stages, may go in a day*, it is hereby provided and enacted, That the commissioners for managing the stamp-duties, or the major part of them, or such officers as they shall appoint in that behalf, shall and may, and they are hereby impowered to make such allowances as shall appear to be just, to any person or persons licensed to use any coach, diligence, or other carriage, as aforesaid, upon oath made by the owner of such coach, diligence, or other carriage as aforesaid, before the said commissioners, or the major part of them, or such officers so to be appointed, as to the number of journies actually made in a day by such coach, diligence, or other carriage, where the same shall differ from the number expressed in such licences; which oath the said commissioners, or the collectors authorised by them to receive the said duty, are hereby impowered to administer, and to examine into all the circumstances relative to the number of journies so made by such coach, diligence, or other carriage, as aforesaid, any thing herein contained to the contrary notwithstanding; and the said commissioners, or the major part of them, are hereby impowered to make such regulations, with respect to such coaches, diligences, and other carriages, where such allowances are applied for, as they shall from time to time find necessary, as well for the effectual securing the duties on such coaches, diligences, or other carriages, as doing justice to the owners or proprietors thereof. Discretionary powers vested in commissioners relative to diligences, etc. making short stages near London.

LII. And be it further enacted, That all and every person or persons, so licensed to use every such coach, diligence, or other carriage, as aforesaid, shall mark or paint, or cause to be marked or painted, on the outside pannel of each door thereof, before he, she, or they shall use the same for the purpose aforesaid, his, her, or their christian and surname, together with the name of the place from whence they set out, and to which they are going, in large and legible characters, in letters of a colour distinct from the colour of the carriage, each letter at least one inch in length, under the penalty of ten pounds; and every proprietor of any such coach, diligence, or other carriage, licensed to go from *London* to any other place, or from any other place to *London*, shall, on the first *Monday* in every month, between the hours of eight in the morning and two in the afternoon, unless the same be an holiday, and then on the next day, not being an holiday, clear the said duties charged and become due by virtue of this act, by paying the same to the receiver general of stamped vellum, parchment, and paper, or to the proper officer for the time being for collecting the said duties, for the use of his Majesty, his heirs and successors, at the head office; and if such proprietor or proprietors shall be licensed from any town in the country to any other town than *London*, then such proprietors shall clear the said duties, by The name of the owner of every diligence, etc. to be painted on the outside of each door. Where and when the duties arising from diligences, etc. shall be paid.

paying the same to the person duly authorised, by commission under the hands and seals of three of his Majesty's commissioners of the stamp-duties, to receive the same, under the penalty of five pounds.

Licensed proprietor of any diligence, etc. to give seven days notice before he discontinue the same.

LIII. Provided always, That every such licensed proprietor or proprietors of any coach, diligence, or other carriage, as aforesaid, who shall lay down and discontinue the use of the same, shall give notice in writing, seven days at the least before he, she, or they shall lay down or discontinue the same, and shall have such notice indorsed upon the back of such his, her, or their licence or licences, or upon the bond so to be given as aforesaid, and from thenceforth, on payment of all arrears, shall be no longer charged or chargeable for the same.

Postmasters, etc. to be allowed 3 d. in the pound out of the monies to be accounted for and paid by them.

LIV. And it is hereby enacted, That the receiver general at the head office, and the said other collectors duly appointed to receive the duties hereby imposed, shall make an allowance to the several postmasters, innkeepers, and other persons, licensed by virtue of this act to let horses to hire, by the miles, stage, or day, for all monies by them paid on account of the duties by this act imposed on horses so hired as aforesaid; and they shall be entitled respectively to deduct, for their own use, at and after the rate of three-pence in the pound, out of the monies by them regularly accounted for and paid to such receiver general, or other collector, according to the directions herein-before contained.

Penalty on forging any ticket, or uttering the same.

LV. And be it further enacted, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or wilfully aid or assist in the false making, forging, or counterfeiting any ticket, note, or certificate by this act authorised or directed to be used, with an intent to defraud his Majesty, his heirs and successors, of any of the said duties; or shall utter or publish as true, any false, forged, or counterfeited ticket, note, or certificate, with an intent to defraud his Majesty, his heirs and successors, of any of the said duties; every person or persons so offending, and being thereof lawfully convicted, shall forfeit and pay the sum of fifty pounds, to be levied and applied as herein is directed and declared.

Application of penalties, if sued for within six months.

LVI. And be it further enacted, That all pecuniary penalties hereby imposed shall be divided and distributed (if a prosecution or suit shall be commenced for the same within the space of six calendar months from the time of any such penalty being incurred,) in manner following; one moiety thereof to his Majesty, his heirs and successors, and the other moiety thereof, with full costs of suit, to the person or persons who shall inform and sue for the same.

Pecuniary penalties amounting to 50l. where to be sued for.

LVII. And be it further enacted, That all such pecuniary penalties which shall amount to the sum of fifty pounds or more, shall be sued for in any of his Majesty's courts at *Westminster*, for offences committed in *England* and *Wales*, or *Berwick upon Tweed*, and in his Majesty's court of sessions, court of

of justiciary, or court of exchequer in *Scotland*, for offences committed in that part of *Great Britain* called *Scotland*, by action of debt, bill, plaint, or information, wherein no essoin, protection, privilege, wager of law, or more than imparlance, shall be allowed.

All penalties not sued for within six months, to belong to his Majesty.

LVIII. Provided always, and be it further enacted, That such division or distribution of the penalties as aforesaid, shall be, and is hereby confined and restricted to the prosecuting or suing for the same within the time herein-before for that purpose limited; and that, in default of such prosecution or suit within the time aforesaid, no informer or informers shall have or be intitled to any part or share of such penalties, but that the whole thereof shall belong to his Majesty, his heirs and successors, and shall be recoverable by information, at the instance of his Majesty's attorney general, or the lord advocate of *Scotland*; any thing herein contained to the contrary notwithstanding.

Any justice may determine any offence against this act, if the penalty be less than 50l.

LIX. Provided always, and it is hereby enacted, That it shall and may be lawful to and for any justice of the peace, residing near the place where the offence shall be committed, to hear and determine any offence against this act which subjects the offender to any pecuniary penalty, not amounting to fifty pounds; which said justice of the peace is hereby authorised and required, upon any information exhibited, or complaint made in that behalf, to summon the party accused, and also the witnesses on either side, and shall examine into the matter of fact; and, upon due proof made thereof, either by the voluntary confession of the party, or by oath of one or more credible witness or witnesses, to give judgement or sentence for the penalty or forfeiture, according as in and by this act is directed, and to award and issue out his warrant, under his hand and seal, for the levying any pecuniary penalties or forfeitures so adjudged on the goods of the offender, and to cause sale to be made thereof, in case they shall not be redeemed within six days, rendering to the party the overplus (if any;) and where the goods of such offender cannot be found sufficient to answer the penalty, to commit such offender to prison, there to remain for the space of six months, unless such pecuniary penalty shall be sooner paid and satisfied; and if any person or persons shall find himself or themselves aggrieved by the judgement of any such justice, then he, she, or they shall and may (upon giving security to the amount of the value of such penalty and forfeiture, together with such costs as shall be awarded in case such judgement shall be affirmed,) appeal to the justices of the peace at the next general quarter sessions for the county, riding, or place, who are hereby impowered to summon and examine witnesses upon oath, and finally to hear and determine the same; and in case the judgement of such justice shall be affirmed, it shall be lawful for such justices to award the person or persons to pay costs, occasioned by such appeal, as to them shall seem meet. Provided always, That if the next general quarter sessions of the

Person aggrieved may appeal to the quarter sessions.

the peace shall fall within six days after such conviction, it shall and may be lawful for the person so convicted, if he shall think fit, giving such security as aforesaid, to appeal to the next subsequent quarter sessions.

Penalty on witnesses who shall refuse to appear, or to be examined, etc.

LX. And be it further enacted, That if any person or persons shall be summoned as a witness or witnesses, to give evidence before such justice or justices of the peace, touching any of the matters relative to this act, either on the part of the prosecutor, or the person or persons accused, and shall neglect or refuse to appear at the time and place to be for that purpose appointed, without a reasonable excuse for such his, her, or their neglect or refusal, to be allowed of by such justice or justices of the peace, or appearing shall refuse to be examined on oath, and give evidence before such justice or justices of the peace, before whom the prosecution shall be depending, that then every such person shall forfeit, for every such offence, the sum of forty shillings, to be levied and paid in such manner, and by such means as are herein-before directed as to other penalties.

Summonses of the proprietors of diligences, etc. left with the book-keeper, etc. shall be deemed good service.

LXI. And be it further enacted, That all summonses, issued by any justice of the peace, in pursuance of this act, against the owners or proprietors of any coaches, diligences, or other carriages required to be licensed by this act, that shall be left at the inn or other place where the diligence, coach, or other carriage, shall put up, with the book-keeper or other person who shall keep the books for taking places in such coaches, diligences, or other carriages, shall be deemed good service on the owners or proprietors of such coaches, diligences, or other carriages, although such owners or proprietors shall not have a residence or habitation in such inn or place.

LXII. And be it further enacted, That a conviction in the form, and to the effect following, (*mutatis mutandis*,) as the case shall happen to be, shall be good and effectual, to all intents and purposes whatsoever, without stating the case, or the facts or evidence in any particular manner; that is to say:

Form of conviction.

BE *it remembered, That on the day of in the year of our Lord at in the county of* A. B. *came before me* C. D. *one of his Majesty's justices of the peace for the said county residing near the place where the offence was committed, and informed me, that* E. F. *of on the day of now last past, at in the said county, did* [here set forth the fact for which the information is laid;] *whereupon the said* E. F. *after being duly summoned to answer the said charge, appeared before me on the day of at in the said county, and having heard the charge contained in the said information, declared he was not guilty of the said offence,* [or, as the case may happen to be,] *did not appear before me pursuant to the said summons,* [or, *did neglect and refuse to make any defence against the said charge,*] *but the same being fully proved upon the oath of* G. H. *a credible witness,* [or, as the case may happen to be,] *acknowledged and voluntarily confessed the same to be true; and it manifestly*

manifestly appearing to me that he the said E. F. *is guilty of the offence charged upon him in the said informotion, I do therefore hereby convict him of the offence aforesaid, and do declare and adjudge, that he the said* E. F. *hath forfeited the sum of of lawful money of* Great Britain, *for the offence aforesaid, to be distributed as the law directs, according to the form of the statute in that case made and provided. Given under my hand and seal, the day of*

Justice may mitigate the penalties.

LXIII. Provided nevertheless, That it shall and may be lawful to and for the said justice, where he shall see cause, to mitigate and lessen any such penalties as he shall think fit, reasonable costs and charges of the officers and informers, as well in making the discovery as in prosecuting the same, being always allowed over and above such mitigation, and so as such mitigation do not reduce the penalties to less than a moiety of the penalties incurred, over and above the said costs and charges; any thing contained in this act, or any other act of parliament, to the contrary notwithstanding.

Receiver general of stamp-duties to pay the duties granted by this act into the exchequer.

LXIV. And be it further enacted, That the several duties herein-before granted shall be paid from time to time into the hands of the receiver general for the time being of the duties on stamped vellum, parchment, and paper, who shall keep a separate and distinct account of the several rates and duties, and pay the same (the necessary charges of raising, paying, and accounting for the same, being deducted) into the receipt of the exchequer, at such time, and in such manner, as the duties now charged on stamped vellum, parchment, and paper, are directed to be paid; and that in the office of the auditor of the said receipt there shall be provided and kept a book or books, in which all the monies arising from the said several rates and duties, and paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies paid or payable to his Majesty, his heirs or successors, upon any account whatsoever.

Auditor to keep a separate account thereof.

Reciting application of the duties granted by former acts.

LXV. *And whereas, by an act made in the nineteenth year of his present Majesty's reign, certain duties were granted on licences to be taken out by persons letting horses to hire for travelling post, and certain duties payable on such horses let to hire, and upon certain carriages therein mentioned; which duties, with sundry other duties granted in the same session of parliament, were made a fund for payment of the several annuities granted by an act of the same session of parliament; and which said duties were, by an act of the twentieth year of his said Majesty, repealed, and other duties granted in lieu thereof, and made applicable to the same uses and purposes as the duties so repealed; and by one other act, of the twenty-third year of his present Majesty's reign, certain additional duties were granted on stage coaches, and other carriages, and were, together with other duties, made a fund for payment of annuities granted by an act of the same session of parliament;* be it therefore enacted, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, the yearly sum of eighty-four thousand pounds

Application of the duties granted by this act.

pounds be reſerved and ſet apart, and applied quarterly, at the receipt of the exchequer, out of ſuch monies as ſhall from time to time ariſe, as well by the duties granted by this act, as of the arrears of the ſeveral duties hereby repealed, and ſhall be applied towards paying the annuities granted by the ſaid act of the nineteenth year of his preſent Majeſty's reign; and that the yearly ſum of forty thouſand pounds be alſo reſerved and ſet apart, and applied quarterly, at the receipt of the exchequer, out of ſuch monies as ſhall from time to time ariſe there, as well by the ſaid duties granted by this act, as of the arrears of the ſeveral duties hereby repealed, and ſhall be applied towards paying the annuities granted by the ſaid act of the twenty-third year of his preſent Majeſty's reign; and that out of the monies which ſhall be paid into the receipt of the exchequer, of the duties hereby repealed, and out of the duties granted by this act, a proportional part of the two ſums of eighty-four thouſand pounds, and forty thouſand pounds, ſhall, from the firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, to the tenth day of *October*, one thouſand ſeven hundred and eighty-five, be ſet apart and applied towards payment of the annuities granted by the ſaid ſeveral acts of the nineteenth and twenty-third years of his preſent Majeſty's reign; and the reſidue of the produce of the ſaid rates and duties ſhall be a fund for the payment of the ſeveral annuities, and all ſuch other charges and expences as are directed to be paid and payable purſuant to an act of this preſent ſeſſion of parliament, intituled, *An act for granting annuities to ſatisfy certain navy, victualling, and tranſport bills, and ordnance debentures.*

Part of an act of 9 Annæ repealed.

LXVI. And be it further enacted, That ſo much of an act made in the ninth year of the reign of her late majeſty Queen *Anne*, intituled, *An act for eſtabliſhing a general poſt-office for all her Majeſty's dominions, and for ſettling a weekly ſum out of the revenues thereof for the ſervice of the war, and other her Majeſty's occaſions*, as reſtrains any perſons, other than the poſtmaſter-general for the time being, and the reſpective deputies and ſubſtitutes of ſuch poſtmaſter-general, from preparing or providing, or from letting to hire, or furniſhing horſes or furniture for riding poſt within this kingdom, ſhall be, and the ſame is hereby repealed and made void.

Perſons ſued for any thing done in purſuance of this act, may plead the general iſſue,

and recover treble coſts.

LXVII. And be it further enacted, That if any perſon or perſons ſhall at any time or times be ſued, moleſted, or proſecuted, for any thing by him or them done or executed in purſuance of this act, or of any clauſe, matter, or thing herein contained, ſuch perſon or perſons ſhall or may plead the general iſſue, and give the ſpecial matter in evidence for his or their defence; and if upon the trial a verdict ſhall be paſſed for the defendant or defendants, or the plaintiff or plaintiffs become nonſuited, then ſuch defendant or defendants ſhall have treble coſts awarded to him or them againſt ſuch plaintiff or plaintiffs.

CAP.

CAP. LII.

An act for better examining and auditing the publick accounts of this kingdom.

Preamble.

WHEREAS *the present method of accounting for the receipts, issues, and expenditures of the publick money, before the auditors of the imprest, is become insufficient to answer the good purposes intended thereby; for remedy whereof, it is important that a more effectual method shall be provided in future for examining the publick accounts of the kingdom, and for preventing, so far as possible, all delays, frauds, and abuses, in delivering in and passing the same: and whereas it is expedient, for the effecting thereof, that the right vested in the right honourable lord* Sondes, *and the right honourable* John Stuart *commonly called* Lord Viscount Mountstuart, *now lord* Cardiff, *which they derive from the patents granted to them respectively, as auditors of the imprest, should cease and determine, on due compensation being made to them for their interest in the same; and that all fees, gratuities, and perquisites, in the office of the auditors of the imprest, should be forthwith abolished; and that every officer and clerk in the said office or department should be paid by the publick a certain fixed annual salary, in lieu of all such fees, gratuities, and perquisites:* be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, the patents granted by his late and present Majesty, under the great seal of *Great Britain*, to the said lord *Sondes*, and the said lord *Mountstuart*, as auditors of the imprest, shall be vacated; and that all the powers, authorities, rights, privileges, and advantages, thereby granted and given, shall cease and determine from the fifth day of *July*, one thousand seven hundred and eighty-five; from and after which time, no fee, gratuity, perquisite, or emolument, shall be received or taken by any person or persons whomsoever, employed in the making up, passing, or auditing any publick accounts under the authority of this act.

From July 5, 1785, the patents granted to the auditors of the imprest vacated.

II. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to affect the rights of any officer or minister of the exchequer, other than the auditors of the imprest, or any person or persons under them.

Not to affect other officers of the exchequer.

III. *And whereas it is just and proper that the said lord* Sondes, *and lord* Mountstuart, *should have a reasonable and equitable provision during their lives, in lieu of the profits and emoluments of the said offices of auditors of the imprests, of which they are divested under this act*; be it enacted, That, from and after the said fifth day of *July*, one thousand seven hundred and eighty-five, there shall be paid, out of the aggregate fund, to the said lord *Sondes*, the annual sum of seven thousand pounds clear of all deductions, and

Compensation to the auditors in lieu of the emoluments of their offices.

and to the said lord *Mountstuart* the like annual sum of seven thousand pounds clear of all deductions, during their lives respectively, by equal quarterly payments; the first payment to be made on or immediately after the tenth day of *October* following.

His Majesty may appoint five commissioners for auditing the publick accounts.

IV. *And, in order effectually to provide such examination of all publick accounts in future as may be necessary for the security of the publick interest*, be it further enacted, That it shall and may be lawful for his Majesty, his heirs and successors, to nominate and appoint five commissioners, by letters patent under the great seal of *Great Britain*, two of whom shall be the comptrollers of the army accounts, now and hereafter for the time being; and to grant fixed salaries to each of the said commissioners, to be paid out of the aggregate fund, not exceeding in the whole the sum of four thousand pounds clear of all deductions annually, who shall be stiled, *The commissioners for auditing the publick accounts*, and shall hold their offices *quam diu se bene gesserint*, (except the said comptrollers of the army accounts, who shall continue to be commissioners for auditing the publick accounts so long only as they shall be comptrollers of army accounts;) and shall, before they shall enter upon the execution of the powers vested in them by this act, take an oath before the chancellor of the exchequer, which he is hereby authorised and required to administer, the tenor whereof shall be as followeth; (that is to say:)

Commissioners to be sworn.

Their oath.

I A. B. *do swear, That, according to the best of my skill and knowledge, I will faithfully, impartially, and truly execute the several powers and trusts vested in me by an act* for better examining and auditing the publick accounts of this kingdom.

So help me GOD.

Treasury to appoint officers for preparing publick accounts;

V. And be it further enacted, That the lord high treasurer, or the commissioners of the treasury, or any three of them, shall be, and he or they are hereby authorised to appoint such officers and clerks, and other persons, as shall appear to them to be necessary, from time to time, for making up and preparing for declaration the several publick accounts of the kingdom, with such fixed salaries to each as they shall judge proper; and

and to allow them salaries, etc.

to allow such reasonable sums, as to them shall seem fit, from time to time, for stationary, coals, candles, and other incidental charges to be incurred in the office for auditing the publick accounts, to be paid out of the aggregate fund, not exceeding in the whole the annual sum of six thousand pounds clear of all deductions, which shall be to the several officers, clerks, and other persons, in lieu of all fees, gratuities, and perquisites whatsoever.

VI. *And whereas it is just and reasonable that some provision should be made for certain persons during their lives, who now hold employments under the before mentioned auditors of the impress, and*

for others who have retired therefrom upon annual allowances paid to them by the said auditors; be it enacted, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, there shall be paid out of the aggregate fund to *Philip Deare* esquire, deputy to the lord viscount *Mountstuart*, and to *John Wiggleſworth* esquire, deputy to the lord *Sondes*, the annual sum of three hundred pounds each; to *John Lloyd*, formerly deputy to the lord *Sondes*, the annual sum of three hundred pounds; and to *Charles Harris*, formerly one of the clerks in the office of the lord viscount *Mountstuart*, the annual sum of two hundred pounds; the said several sums to be clear of all deductions, by equal quarterly payments, the first payment to be made on or immediately after the tenth day of *October*, one thousand seven hundred and eighty-five.

Annuities to be allowed to certain officers under the auditors;

VII. Provided always, and be it enacted, That the annuities made payable by this act to the several persons herein-before named, shall be issuing and payable out of, and charged and chargeable upon the duties and revenues which compose the fund commonly called *The Aggregate Fund*, and every or any of them, (after paying, or reserving sufficient to pay, all such sum and sums of money as have been directed by any former act or acts of parliament to be paid out of the same.)

and to be charged on the aggregate fund.

VIII. And be it further enacted, That the commissioners to be appointed under the authority of this act shall be, and they are hereby invested with all the powers and authorities, and shall be subject to the performance of the same duties, and liable to the same controul, which the auditors of the imprest are now by law, usage, or custom invested with, or are subject or liable to, except as the same are or shall be altered or affected by this act; and the said commissioners, or any three of them, shall, and they are hereby authorised to administer to every of the officers and clerks, who shall be appointed as before directed, an oath, for his true and faithful demeanor in all things relating to the due performance of the trust reposed in him.

Commissioners to be vested with all the powers, etc. of the auditors;

and to administer oaths to their officers.

IX. And be it further enacted, That the said commissioners, or their successors, shall be, and they are hereby authorised and required to call before them, by precepts under their hands, or the hands of any three or more of them, all such persons as shall have received any sum or sums of money by way of imprest, or in any other manner, for which they shall be accountable, to attend upon them personally, from time to time, as they shall be required, and to exhibit to them the said commissioners, or any three or more of them, all such accounts, books, certificates, warrants, muniments, receipts, or other papers whatsoever, in the possession of such persons, which shall appear to be necessary for the purposes of their examination; and it shall and may be lawful for the said commissioners, or any three of them, and they are hereby authorised, when they shall see occasion, to cause search to be made, or extracts to be taken from the books, rolls, or records, in the custody or keeping of

Commissioners may call before them all persons who have received money by way of imprest, etc.

any officer or minister in the court, or in the receipt of the exchequer, without paying any fee or reward for the same.

Commissioners to examine accounts as soon as possible.

X. And be it further enacted, That the said commissioners, or any three or more of them, shall try and examine the several accounts and vouchers, which shall be transmitted to them from time to time, with as little delay as possible; and upon trial and examination thereof, shall make full, just, and perfect accounts, or declarations of accounts, containing briefly the sum and substance thereof in charge and discharge.

Directions relative to auditing accounts.

XI. And be it further enacted, That in auditing and examining all publick accounts, the commissioners shall allow such articles of discharge only, as the said accountants respectively shall have been duly authorised to incur, unless, upon a special statement of the matter to the lord high treasurer, or commissioners of the treasury, the said commissioners shall be directed to make further or other allowances to the said accountants accordingly, by warrant under the hand of the said lord high treasurer, or the commissioners of the treasury, or any three of them.

Commissioners may examine accountants on oath.

XII. *And, for the rendering more effectual all such examinations as are intended to be had under this act*, be it enacted, That it shall and may be lawful for the commissioners, to be appointed by authority thereof, or any three of them, and they are hereby authorised and required to examine upon oath (which oath they, or any three or more of them, are hereby authorised to administer), all accountants whom they shall find occasion to call before them, and all other persons whom the said commissioners, or any three or more of them, shall think fit to examine, touching the receipt and expenditure of the money forming the charge and discharge of each account respectively, and touching all other matters and things necessary for the due execution of the powers vested in the said commissioners by this act.

Penalty on persons giving false evidence before the commissioners.

XIII. And be it further enacted by the authority aforesaid, That in case any person or persons, in the course of their examination upon oath before the commissioners, to be appointed as before provided, or their successors, shall wilfully and corruptly give false evidence, such person or persons so offending, and being thereof duly convicted, shall be, and is and are hereby declared to be subject and liable to such pains and penalties as, by any law now in being, persons convicted of wilful and corrupt perjury are subject and liable to.

Commissioners to make up a state of accounts, and lay them before the treasury.

XIV. And be it further enacted, That when the examinations of each account shall be compleated by the said commissioners, they, or any three of them, shall, and they are hereby required to make up a state thereof, and lay the same before the lord high treasurer, or the commissioners of the treasury, who, after due consideration of all particulars, shall grant their warrant to the said commissioners to prepare the same for declaration, in the manner and form which has been accustomed.

XV. And be it further enacted and declared, That all accounts

counts of the expenditure of the publick money, which have heretofore been passed in the office of the auditors of the imprest, shall, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, be delivered to the commissioners to be appointed under the authority of this act, together with the vouchers belonging thereto.

Accounts of expenditure of publick money to be delivered to the commissioners.

XVI. *And whereas it is necessary that the commissioners to be appointed under the authority of this act should have early information respecting the issues of money from the exchequer to persons on account*, be it enacted and declared, That the auditor of the exchequer shall transmit to the said commissioners a certificate of all monies issued from the exchequer to persons by way of imprest, and upon account, in like manner as he now doth to the auditors of the imprest.

Auditor to transmit to the commissioners a certificate of monies issued upon account.

XVII. *And whereas great losses and inconveniencies have arisen to the publick by sub-accountants not having been put in charge till a long time has elapsed after the monies were issued to them*, be it enacted, That the paymaster general of his Majesty's forces, the treasurer of the navy, the treasurer of the ordnance, and every other publick officer who shall hereafter pay into the hands of any person or persons whomsoever, money for publick services, by way of imprest, or on account, shall, within thirty days of the thirty-first day of *December*, one thousand seven hundred and eighty-five, and within thirty days of the thirty-first day of *December* in every future year, transmit an account of all sums of money issued or paid by him or them to any person or persons, for the publick service, within the preceding year, to the commissioners to be appointed under the authority of this act; who shall, and they are hereby required forthwith to transmit duplicates of the same to his Majesty's remembrancer in the court of exchequer, who shall immediately, on receipt of such accounts, put the several sums so issued in charge against the parties, in like manner as is now practised with respect to persons who receive money by way of imprest, and on account, at the receipt of his Majesty's exchequer.

Paymaster of the forces, etc. to transmit to the commissioners an account of all monies issued by them by way of imprest, etc.

XVIII. Provided always, and be it enacted, That no accountant shall be allowed in his account any sum which he shall issue or pay over to any sub-accountants, unless he shall have transmitted to the said commissioners regular accounts thereof, in the manner and within the times above mentioned; unless proof shall be produced, to the satisfaction of the lord high treasurer, or the commissioners of the treasury, that any failure of transmitting the same did not happen from the wilful neglect of the person issuing or paying over the money as aforesaid.

Accountants not to be allowed any sum they shall neglect to transmit an account of, as above mentioned.

XIX. *And whereas it is highly important, towards effecting the purposes intended by this act, that the commissioners to be appointed under the authority thereof should be impowered to compel accountants to bring forward their accounts*; be it enacted, That the said commissioners shall, so often as they shall think fit, call upon such persons to whom sums of money have been, or shall be so

Commissioners may compel accountants to bring forward their accounts.

iſſued and paid, to render an account of the ſame to them the ſaid commiſſioners, within a time to be by them limited; and on failure of the accounts being delivered accordingly, within the time ſo limited, the ſaid commiſſioners ſhall, and they are hereby required to include the names of all ſuch defaulters in their certificates, tranſmitted to the office of his Majeſty's remembrancer, in order that the uſual proceſs may iſſue thereupon; and alſo, in caſe they ſhall ſee cauſe, they are hereby required to give notice thereof to his Majeſty's attorney general in *England*, his Majeſty's advocate in *Scotland*, or his Majeſty's attorney general in any of the colonies or plantations belonging to the crown of *Great Britain*, as the caſe may require, in order that ſuch motions may be made by the ſaid officers to the court of exchequer, or other proper court, and ſuch further or other proceſs may be iſſued in order to his moving the court of exchequer in *England* or *Scotland*, or the proper court in the colonies or plantations, for ſpecial proceſs to be iſſued againſt ſuch defaulter or defaulters, as may be deemed neceſſary to compel him or them to deliver in his or their accounts, as directed by the ſaid commiſſioners, unleſs, upon application of the parties, their agents or attornies, to the lord high treaſurer, or the commiſſioners for executing that office, on a ſpecial ſtatement of circumſtances to juſtify delay, the ſaid lord high treaſurer, or commiſſioners of the treaſury, ſhall grant their warrant to ſtay the proceſs for ſuch reaſonable time as they ſhall think fit.

Sub-accountants to deliver to the commiſſioners, vouchers for expenditure of monies iſſued to them, within certain limited times.

XX. And be it further enacted and declared, That every ſub-accountant to whom money ſhall hereafter be iſſued for publick ſervices, in caſe the money ſo iſſued ſhall have been for ſervices to be performed in *Great Britain*, ſhall deliver in to the office of the commiſſioners to be appointed by virtue of this act, the vouchers for the expenditure thereof, together with an account current, within three months of the end of each year from the commencement of his account, unleſs it has been uſual for ſuch account to be made up to any fixed period in the year; in which caſe they ſhall be delivered within three months of the uſual annual time of the determination of each account reſpectively; and in caſe ſuch monies ſhall have been iſſued for ſervices to be performed in any part of *Europe* out of this kingdom, then the vouchers ſhall be delivered within four months of the expiration of each year's accounts; if in the *Weſt Indies*, the continent of *America*, or in *Africa*, within ſix months after the expiration of each year's accounts; and if in the *Eaſt Indies*, within twelve months after the expiration of each year's accounts; unleſs it ſhall in each and every caſe be made appear, to the ſatisfaction of the commiſſioners of the treaſury, that the failure of tranſmitting the ſame, within the periods before-mentioned, was unavoidable; in which caſe ſuch further delay may be granted, by warrant under the hands of the commiſſioners of the treaſury, or any three of them, as they ſhall judge reaſonable; and in ſuch caſes the vouchers ſhall be delivered at the expiration of the term of delay ſo granted, on pain, upon failure

in

in any of the above-mentioned cases, of paying such fine to his Majesty as the court of exchequer, on application made to them, shall think fit to set and impose; which fine the said court is hereby authorised and impowered to set and impose accordingly.

Process not to issue against certain sub-accountants, without directions from the treasury.

XXI. And be it further enacted, That process shall in no case be issued from the court of exchequer, against any sub-accountant, who is to account to the principal officers of the board of ordnance, or the principal officers and commissioners of his Majesty's navy, the commissioners for victualling his Majesty's navy, or the commissioners for sick and hurt, respectively, for sums which have been issued to such sub-accountants by the treasurer of the ordnance, or the treasurer of the navy, without directions being previously given for that purpose by the lord high treasurer, or the commissioners of the treasury, after a reference of their cases to the commissioners of the boards above mentioned respectively, and a report made thereupon. Provided always, That no process shall issue against any such sub-accountant until twelve months shall have elapsed from the time of the making up the accounts of the said treasurer annually.

When sub-accountants transmit a discharge from the officers of ordnance, etc. their names to be struck out of the imprest roll.

XXII. Provided always, and be it enacted, That when any sub-accountant or sub-accountants shall transmit to the commissioners to be appointed under the authority of this act, a sufficient and satisfactory discharge from the principal officers of the ordnance, the commissioners of his Majesty's navy, the commissioners for victualling his Majesty's navy, or the commissioners of sick and hurt, for any monies he or they shall have received in the said departments severally, the said commissioners shall transmit a duplicate of the same to his Majesty's remembrancer in the court of exchequer, who shall forthwith strike out the name or names of such sub-accountant or sub-accountants from the imprest roll; and such sub-accountant or sub-accountants shall from thenceforth be discharged from any other or further account for the same.

No article to be allowed in accounts of expenditure of publick money, without a written voucher, etc.

XXIII. And be it further enacted and declared, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, no article shall be allowed in the account of any person intrusted with the expenditure of the publick money, without a written voucher, or other evidence of the actual payment of every sum so claimed to be allowed, notwithstanding any allegation of papers being lost or destroyed, except on application to the court of exchequer, who shall, and they are hereby authorised and required, on such application, to call before them, as well the said commissioners, or some person on their behalf, as the party accounting, and shall cause notice thereof to be sent to his Majesty's attorney general; and after hearing as well the evidence, which shall be brought on the part of the crown by the said attorney general, or the said commissioners, as that which shall be brought on the part of such accountant, the said court shall make such order as they shall think

think fit; and the several officers and persons, whose duty it shall be to audit and make up the accounts, shall govern themselves accordingly.

Books, etc. in the auditors offices to be delivered to the commissioners.

XXIV. And be it further enacted and declared, That all official books, papers, and accounts whatsoever, now remaining in either of the offices of the auditors of the impreſt, or which have been usually, or ought to have been kept therein, shall be deemed to be publick property, and shall be delivered over to the commissioners to be appointed under the authority of this act.

Commissioners not to sit in the house of commons.

XXV. Provided always, and be it enacted and declared, That no commissioner appointed or to be appointed by virtue of this act, shall, during his continuance in such office, be capable of being elected, or of sitting as a member of the house of commons.

CAP. LIII.

An act for settling an annuity of nine thousand pounds on his royal highness the duke of Gloucester, *in lieu of the like annuity payable out of the duties of four and one half* per centum *in* Barbadoes *and the* Leeward Islands.

Most gracious Sovereign,

Preamble.

WHEREAS *your Majesty has been pleased to communicate to your faithful commons, that your Majesty having, in the year one thousand seven hundred and sixty-seven, settled an annuity of nine thousand pounds as a provision in part for the honourable support and maintenance of your Majesty's dearly beloved brother, the duke of* Gloucester, *payable out of the duties of four and one half* per centum *in* Barbadoes *and the* Leeward Islands; *and that your Majesty understanding the said fund is not sufficient for the regular payment of the said annuity, and of the other charges upon the same; and your Majesty having been pleased to recommend to the consideration of your faithful commons, to make such provision as may appear to be reasonable for substituting some other fund, out of which the said annuity may be paid in future:* now, we, having taken into consideration your Majesty's most gracious message, do most humbly beseech your Majesty that it may be enacted, &c.

An annuity of 9,000l. per ann. to be paid to the duke of Gloucester, out of the aggregate fund, to commence April 5, 1785; and to be paid quarterly. Commissioners of treasury to direct the auditor to make forth debentures accordingly. Warrant, when signed, to be valid in law. Commissioners of the treasury, etc. to do all things required by this act, without fee. The receipt of the duke of Gloucester, etc. to be a sufficient discharge.

CAP. LIV.

An act for better securing the duties upon coals, culm, and cinders.

From Aug. 1, 1785, collector, etc. not to clear coastwise, etc. any vessel laden with coals, culm, or cinders, until the master shall deliver two proper certificates; one of which, after being signed, etc. shall be returned

turned to the master. Any fitter, etc. making default in delivering certificates, to forfeit 50l. Coals cleared coastwise, and delivered beyond sea, before the duties on exportation be paid, and the owner, before he clears out again, to pay those duties before due, and also 3s. per chaldron. Upon proof of the vessel being forced from the coast into foreign parts, by contrary winds, etc. a certificate thereof to be granted to the master, that his coast bond may be discharged, etc. Entry and register of fitters certificate to be evidence. Penalty to be recovered by action or information; one moiety to the King, the other to the prosecutor. Defendants may plead the general issue, and give the act in evidence, and recover treble costs.

CAP. LV.

An act for granting to his Majesty certain duties on licences, to be taken out by persons vending gloves or mittens; and also certain duties on gloves and mittens sold by retail.

Most gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, towards raising the necessary supplies which we have granted to your Majesty in this session of parliament, have voluntarily resolved to give and grant unto your Majesty the several rates and duties herein-after mentioned; and do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, there shall be raised, levied, collected, and paid, throughout the kingdom of *Great Britain*, unto and for the use of his Majesty, his heirs and successors, the several rates and duties following; (that is to say), all persons uttering or vending in *Great Britain*, any gloves or mittens, made of silk or leather, or any other material or materials, shall annually take out a licence for that purpose, in manner herein-after prescribed:

Preamble.

From Aug. 1, 1785, the following duties to be paid by venders of gloves:

For every licence granted to any person so uttering or vending such gloves or mittens, as aforesaid, there shall be charged a stamp-duty of one shilling:

For an annual licence, 1s.:

For every pair of gloves or mittens, made of silk or leather, or any other material or materials, above the price or value of four-pence, and not exceeding the price or value of ten-pence, which shall be uttered, vended, or sold by retail in *Great Britain*, there shall be charged a stamp-duty of one penny:

For every pair of gloves or mittens retailed, from 4d. to 10d.—1d.:

For every pair of gloves or mittens, made of silk or leather, or any other material or materials, above the price or value of ten-pence, and not exceeding the price or value of one shilling and four-pence, which shall be uttered, vended, or sold by retail in *Great Britain*, there shall be charged a stamp-duty of two-pence:

From 10d. to 1s. 4d.—2d.:

For

Above 1s. 4d. —3d.

For every pair of gloves or mittens, made of ſilk or leather, or any other material or materials, exceeding the price or value of one ſhilling and fourpence, which ſhall be uttered, vended, or ſold by retail in *Great Britain*, there ſhall be charged a ſtamp-duty of three-pence.

Duties to be under the management of the commiſſioners of ſtamps.

II. And be it further enacted, That, for the better and more effectual levying and collecting all the ſaid duties herein-before granted, the ſame ſhall be under the government, care, and management of the commiſſioners for the time being appointed to manage the duties charged on ſtamped vellum, parchment, and paper; who, or the major part of them, are hereby, required and impowered to employ ſuch officers under them for that purpoſe, and to allow ſuch ſalaries and incidental charges as may be neceſſary, and to provide and uſe ſuch ſtamps to denote the ſaid duties, as ſhall be requiſite in that behalf, and to do all other things neceſſary to be done for putting this act into execution, with relation to the ſaid rates and duties herein-before granted, in the like and in as full and ample manner as they, or the major part of them, are or is authoriſed to put in execution any former law concerning ſtamped vellum, parchment, and paper.

Perſons ſelling gloves or mittens without a licence, to forfeit 20l.

III. And be it further enacted, That, from and after the firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, no perſon whatſoever, required by this act to be licenſed, ſhall, unleſs he or ſhe be licenſed in manner herein-after preſcribed, utter, vend, or ſell, any gloves or mittens, made of ſilk, leather, or any other material or materials, in *Great Britain*, upon pain to forfeit, for every offence, the ſum of twenty pounds, to be recovered and applied as herein-after is directed.

Two commiſſioners may grant licences.

IV. And be it further enacted, That, from and after the paſſing of this act, any two or more of his Majeſty's commiſſioners, appointed for managing the duties ariſing by ſtamps on vellum, parchment, and paper, or ſome perſon duly authoriſed by them, ſhall grant licences to ſuch perſons who ſhall apply for the ſame, to ſell gloves or mittens, in any city, town, or other place within *Great Britain*, for the ſpace of one year, to commence from the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, upon all licences to be granted on or before that day, and upon licences to be firſt granted to any perſon or perſons after the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, to commence from the day of the date of every ſuch licence; and all and every perſon and perſons, who ſhall take out ſuch licence for ſelling gloves, or mittens, ſhall take out a freſh licence for another year, ten days at leaſt before the expiration of that year for which he or ſhe ſhall be ſo licenſed, if he or ſhe ſhall continue to ſell gloves or mittens; and ſhall in like manner renew ſuch licence from year to year, paying down the reſpective ſums due for the ſtamps on ſuch licence, as long as he or ſhe ſhall continue to ſell gloves or mittens.

Licences to be renewed annually.

V. And

V. And be it further enacted, That every person vending or exposing to sale gloves or mittens by retail, shall cause the words, *Dealer in Gloves*, to be painted or written in large and legible characters, either over the door, or in some visible place in the front of his or their house, shop, or warehouse, at the respective place at which he or they keep such gloves for sale, to denote that such person or persons is a dealer in gloves, and licensed for that purpose: and if any person shall presume to sell any gloves or mittens by retail, without fixing or hanging out such notice as aforesaid, every person so vending or exposing to sale any gloves or mittens shall, for every pair of gloves or mittens so sold, forfeit and pay the sum of five pounds, to be recovered and distributed as herein-after is directed.

All persons vending gloves to have certain words placed on the front of their shops, etc.

on penalty of 5l. for every pair sold.

VI. And be it further enacted, That if any person or persons shall cause the words, *Dealer in Gloves*, to be affixed or put on the front of his, her, or their house or shop, or warehouse, without being licensed as aforesaid, he, she, or they so offending shall, for every offence, forfeit the sum of forty pounds.

Penalty on affixing such words without being licensed.

VII. *And whereas doubts may arise what person or persons may be considered as a retail dealer or dealers in gloves, within the construction of this act*, be it therefore enacted and declared, That all persons who shall sell any less quantity than twelve dozen pair of gloves or mittens at one time, to any one person, shall be deemed a retailer of gloves.

Who shall be deemed retailers of gloves.

VIII. *And, in order to secure the duty aforesaid*, be it further enacted, That every person, uttering or vending by retail, or exposing to sale, any gloves or mittens liable to the said duty hereby imposed, shall apply to the commissioners of stamps, or to the officers appointed by them, for paper tickets, stamped with the several and respective duties hereby imposed, to be pasted or affixed, by the person or persons so uttering or vending by retail such gloves or mittens as aforesaid, to the inside of the right hand glove or mitten, in such manner and form as the said commissioners shall direct; and every pair of gloves or mittens, uttered, vended, or sold by any retail dealer, shall have affixed upon the inside of the right hand glove of each such pair, such stamped ticket, mark, or device, in such manner and form, and in such part thereof, as the commissioners of his Majesty's stamp-duties shall from time to time direct.

Retailers of gloves to apply to the commissioners of stamps for tickets to be affixed on gloves.

IX. And be it further enacted, That if any retail dealer shall vend, utter, sell, or expose to sale, or if any person or persons shall purchase, or receive in exchange for any other article, any gloves or mittens, subject to the stamp-duties hereby imposed, unless the stamp ticket hereby directed to be affixed to the same shall be affixed, and marked and stamped as by this act is directed, or that shall have any ticket affixed thereto marked or stamped with a stamp or mark of less denomination or value than by this act is directed to be affixed; every such person and persons so offending shall forfeit and pay, for every such pair of gloves or mittens so sold, uttered, or exposed to sale, or so bought or received in exchange, the sum of twenty pounds; to be

Penalty on selling, etc. any gloves without a proper stamp.

be recovered and applied as herein-after is directed: and if the party ſo offending ſhall be a retail dealer, licenſed purſuant to this act, the ſaid commiſſioners of ſtamps ſhall and may, if they ſhall ſo think fit, after conviction of the offender, refuſe to grant to ſuch offender any licence in future.

Not to extend to one licenſed dealer ſelling to another.

X. Provided always, and be it further enacted, That nothing in this act contained ſhall extend, or be conſtrued to extend, to any perſon licenſed in purſuance of this act, who ſhall ſell to any retailer of gloves or mittens alſo licenſed, any gloves or mittens, although the ſtamp ticket hereby directed to be affixed to the ſame ſhall not be affixed, and marked and ſtamped as by this act is directed.

Penalty on taking off any ſtamp, or affixing the ſame to any other gloves, with a fraudulent intent.

XI. *And, to prevent the mark or ſtamp, hereby directed to be uſed, which has been ſold with or affixed to any pair of gloves or mittens, from being made uſe of again to affix to any other pair of gloves or mittens*, be it enacted, That if any perſon or perſons ſhall, with intent to defraud his Majeſty of the duties hereby impoſed, cut, tear, or take off, any mark or ſtamp, in reſpect whereof or by which any duties are hereby payable for any pair of gloves or mittens, or ſhall, with the like intent, affix or paſte on in any glove or mitten, any ticket hereby directed to be ſtamped, the ſame having been once made uſe of for the purpoſe aforeſaid, and ſhall hereafter knowingly ſell, utter, or expoſe to ſale, any pair of gloves or mittens with ſuch ticket ſo fraudulently cut from, taken off, or removed, then, ſo often and in every ſuch caſe, all and every perſon and perſons ſo offending in any of the particulars before mentioned, ſhall forfeit the ſum of twenty pounds; to be recovered and applied as herein-after is directed.

Penalty on buying or ſelling any ſuch uſed tickets.

XII. *And, to prevent any perſons from ſelling or buying any ticket or tickets which have been before ſold and made uſe of for denoting any of the duties by this act impoſed, and for preventing ſuch frauds*, be it enacted, That if any perſon ſhall, from and after the firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, ſell or buy any ſuch ticket, in order to be again made uſe of, to be ſold with and affixed to any glove or mitten liable to the duty hereby impoſed, every ſuch perſon ſo offending ſhall, for every ſuch offence, forfeit the ſum of twenty pounds; to be recovered and applied as herein-after is directed.

Buyer or ſeller informing againſt the other ſhall be indemnified.

XIII. Provided always, and be it enacted, That if either buyer or ſeller of any ſuch ticket, or of any pair of gloves or mittens not having the proper ticket affixed thereto as aforeſaid, ſhall inform againſt the other party concerned in buying or ſelling ſuch ticket, or ſuch glove or mitten not having the proper ſtamped ticket affixed thereto as aforeſaid, the party ſo offending ſhall be admitted to give evidence againſt the party informed againſt, and ſhall be indemnified from the penalties by him or her incurred.

Glovers, in their bills, to make a ſeparate charge for the ſtamps.

XIV. And be it further enacted, That where any retail dealer in gloves and mittens ſhall deliver in any bill or charge for any gloves or mittens ſubject to the duties hereby impoſed, ſuch perſon or perſons ſhall make a diſtinct and ſeparate charge for

for the ſtamp or ſtamps which ſhall have been affixed to the gloves or mittens ſo charged in ſuch bill.

Penalty on counterfeiting ſtamps, etc.

XV. And be it further enacted, That if any perſon or perſons ſhall counterfeit or forge, or procure to be counterfeited or forged, any ſeal, ſtamp, or mark, directed or allowed to be uſed, or provided, made, or uſed in purſuance of this act, for the purpoſe of denoting the duties by this act granted, or ſhall counterfeit or reſemble the impreſſion of the ſame, upon any vellum, parchment, or paper, with an intent to defraud his Majeſty, his heirs or ſucceſſors, of any of the ſaid duties; or ſhall utter, vend, or ſell, any vellum, parchment, or paper, with a counterfeit mark or ſtamp thereupon, knowing ſuch mark or ſtamp to be counterfeited; or if any perſon ſhall privately and fraudulently uſe any ſeal, ſtamp, or mark, directed or allowed to be uſed by this act, with intent to defraud his Majeſty, his heirs or ſucceſſors, of any of the ſaid duties; then every ſuch perſon ſo offending, and being thereof convicted, ſhall be adjudged a felon, and ſhall ſuffer death as in caſes of felony, without benefit of clergy.

Powers and proviſions of former ſtamp acts extended to this act.

XVI. And be it further enacted by the authority aforeſaid, That all powers, proviſions, articles, clauſes, and all other matters and things, preſcribed or appointed by any former act or acts of parliament relating to the ſtamp-duties on vellum, parchment, and paper, ſhall be of full force and effect with relation to the rates and duties hereby impoſed, and ſhall be applied and put in execution for raiſing, levying, collecting, and ſecuring the ſaid new rates and duties hereby impoſed, according to the true intent and meaning of this act, as fully, to all intents and purpoſes, as if the ſame had ſeverally and reſpectively been hereby enacted with relation to the ſaid new rates and duties hereby impoſed.

Pecuniary penalties (if ſued for within ſix months) one moiety to his Majeſty, and the other to the informer.

XVII. And be it further enacted by the authority aforeſaid, That all pecuniary penalties hereby impoſed, ſhall be divided and diſtributed (if ſued for within the ſpace of ſix calendar months from the time of any ſuch penalty being incurred) in manner following; one moiety thereof to his Majeſty, his heirs and ſucceſſors, and the other moiety thereof, with full coſts of ſuit, to the perſon or perſons who ſhall inform and ſue for the ſame.

Penalties where to be ſued for.

XVIII. And be it further enacted by the authority aforeſaid, That all pecuniary penalties, impoſed on any perſon or perſons for offences committed againſt this act, may be ſued for and recovered in any of his Majeſty's courts at *Weſtminſter*, for offences committed in that part of *Great Britain* called *England*, the dominion of *Wales*, or the town of *Berwick upon Tweed*, and in his Majeſty's court of ſeſſions, court of juſticiary, or court of exchequer, in *Scotland*, for offences committed in that part of *Great Britain* called *Scotland*, by action of debt, bill, plaint, or information; wherein no eſſoin, protection, privilege, wager of law, or more than one imparlance, ſhall be allowed.

XIX. Provided always, and be it further enacted by the authority

No informer to have any ſhare of penalties, unleſs ſued for within ſix months.

thority aforeſaid, That ſuch diviſion or diſtribution of the penalties as aforeſaid, ſhall be, and is hereby confined and reſtricted to the proſecuting for the ſame within the time herein-before for that purpoſe limited; and that in default of ſuch proſecution within the time aforeſaid, no informer or informers ſhall have or be intitled to any part or ſhare of ſuch penalties, but that the whole thereof ſhall belong to his Majeſty, his heirs and ſucceſſors, and ſhall be recoverable in manner aforeſaid; any thing herein contained to the contrary notwithſtanding.

XX. Provided always, and it is hereby enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any juſtice of the peace reſiding near the place where the offence ſhall be committed, to hear and determine any offence againſt this act which ſubjects the offender to any pecuniary penalty; which ſaid juſtice of the peace is hereby authoriſed and required, upon any information exhibited, or complaint made in that behalf, to ſummon the party accuſed, and alſo the witneſſes on either ſide, and ſhall examine into the matter of fact; and upon due proof made thereof, either by the voluntary confeſſion of the party, or by the oath of one or more credible witneſs or witneſſes, to give judgement or ſentence for the penalty or forfeiture, according as in and by this act is directed, and to award and iſſue out his warrant under his hand and ſeal, for the levying any pecuniary penalty or forfeiture ſo adjudged on the goods of the offender; and to cauſe ſale to be made thereof, in caſe they ſhall not be redeemed within ſix days, rendering to the party the overplus, if any; and where the goods of the offender cannot be found ſufficient to anſwer the penalty, to commit ſuch offender to priſon, there to remain for the ſpace of three months, unleſs ſuch pecuniary penalty ſhall be ſooner paid and ſatisfied: and if any perſon or perſons ſhall find himſelf or themſelves aggrieved by the judgement of any ſuch juſtice, then he or they ſhall and may, upon giving ſecurity to the amount of the value of ſuch penalty and forfeiture, together with ſuch coſts as ſhall be awarded, in caſe ſuch judgement ſhall be affirmed, appeal to the juſtices of the peace at the next general quarter ſeſſions for the county, riding, or place, who are hereby impowered to ſummon witneſſes upon oath, and finally to hear and determine the ſame; and in caſe the judgement of ſuch juſtice ſhall be affirmed, it ſhall be lawful for ſuch juſtices to award the perſon or perſons to pay ſuch coſts, occaſioned by ſuch appeal, as to them ſhall ſeem meet.

...g offen... ...t pecuniary penalties.

Perſons aggrieved may appeal to the quarter ſeſſions.

Penalty on witneſſes who ſhall neglect to appear.

XXI. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall be ſummoned as a witneſs or witneſſes, to give evidence before ſuch juſtice or juſtices of the peace, touching any of the matters relative to this act, either on the part of the proſecutor, or of the perſon or perſons accuſed, and ſhall neglect or refuſe to appear, at the time and place to be for that purpoſe appointed, without a reaſonable excuſe for ſuch his, her, or their neglect or refuſal, to be allowed of by ſuch juſtice or juſtices of the peace before whom the proſecution ſhall

shall be depending, that then every such person shall forfeit, for every such offence, the sum of forty shillings; to be levied and paid in such manner, and by such means, as is herein-before directed as to other penalties.

XXII. And be it further enacted by the authority aforesaid, That the justice or justices of the peace before whom any offender shall be convicted as aforesaid, shall cause the said conviction to be made out in the manner and form following, or in any other form of words to the same effect, *mutatis mutandis*; that is to say:

How justices to proceed for conviction of offenders.

Form of conviction.

BE *it remembered, That on the day of in the year of our Lord in the county of* A. B. *of was convicted before me* C. D. *one of his Majesty's justices of the peace for the said county, residing near the place where the offence was committed, for that the said* A. B. *on the day of now last past, did* [here state the offence as the case may be], *contrary to the statute in that case made and provided; and I do declare and adjudge that he the said* A. B. *hath forfeited the sum of of lawful money of* Great Britain, *for the offence aforesaid, to be distributed as the law directs.*

Given under my hand and seal, the day of

XXIII. Provided nevertheless, That it shall and may be lawful to and for the said justice, where he shall see cause, to mitigate and lessen any such penalties as he shall think fit, reasonable costs and charges of the officers and informers, as well in making the discovery as in prosecuting the same, being always allowed over and above such mitigation, and so as such mitigation do not reduce the penalties to less than a moiety of the penalties incurred, over and above the said costs and charges, any thing contained in this act, or any other act of parliament, to the contrary notwithstanding; and no such conviction shall be removed by *certiorari* into any court whatsoever.

Justice may mitigate penalties.

XXIV. And be it further enacted by the authority aforesaid, That the several duties herein-before granted shall be paid, from time to time, into the hands of the receiver general for the time being of the duties on stamped vellum, parchment, and paper, who shall keep a separate and distinct account of the several rates and duties, and pay the same (the necessary charges of raising, paying, and accounting for the same, being deducted) into the receipt of the exchequer, at such time and in such manner as the duties now charged on stamped vellum, parchment, and paper, are directed to be paid; and that in the office of the auditor of the said receipt shall be provided and kept a book or books, in which all the monies arising from the said several rates and duties, and paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies paid or payable to his Majesty, his heirs or successors, upon any account

Duties to be paid into the exchequer, and entered separate from all others.

Application thereof.

count whatsoever; and the said money, so paid into the said receipt of exchequer as aforesaid, shall be a fund for the payment of the several annuities, and all other charges and expences as are directed to be paid and payable pursuant to an act of this present session of parliament, intituled, *An act for granting annuities to satisfy certain navy, victualling, and transport bills, and ordnance debentures.*

Recital of 6 Geo. 3. c. 19.

XXV. *And whereas by an act, made in the sixth year of the reign of his present Majesty, intituled,* An act for the more effectual encouragement of the trade and manufacture of leather gloves and mitts in this kingdom, *several forfeitures and penalties were inflicted to prohibit and prevent the importation and sale of foreign manufactured leather gloves and mitts in this kingdom: and whereas the good purposes intended by the said act may be evaded by the importation of foreign leather, which is not completely made into gloves and mitts, but is cut into the form of gloves and mitts, called* Shapes *or* Tranks, *to the great detriment of many of his Majesty's subjects, who are employed in the manufacture of leather gloves and mitts:* for remedy whereof, be it therefore further enacted by the authority aforesaid, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, the said recited act shall extend, and be construed to extend, to all foreign leather cut into the form of gloves or mitts, called *Shapes* or *Tranks*, or which shall be cut or prepared in any other manner or form, in order to be made into gloves or mitts, and are not proper or fit to be used for, and applied to any other purpose whatsoever; and the several penalties and forfeitures inflicted by the said recited act, and every clause and proviso therein contained, unless in any case where any alteration has been made by any subsequent act of parliament which is now in force, shall be applied, practised, and carried into execution, for the purpose by this act intended, as fully and effectually as if the said recited act, and every article, clause, and proviso thereby enacted, had been again repeated and inserted in this present act.

The recited act extended to all foreign leather cut or prepared in order to be made into gloves or mitts.

Defendants may plead the general issue,

and have treble costs.

XXVI. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time or times be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any clause, matter, or thing herein contained, such person or persons shall or may plead the general issue, and give the special matter in evidence for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

CAP.

CAP. LVI.

An act for more effectually preventing deceits and frauds in the manufacturing of cordage for shipping, and to prevent the illicit importation of foreign-made cordage.

Preamble. 35 Eliz. c. 8.

WHEREAS *an act of parliament was made in the thirty-fifth year of the reign of Queen* Elizabeth, (*intituled.* An act for the avoiding of deceit used in making and selling of twice-laid cordage; and for the better preserving of the navy of this realm;) *which act hath been found insufficient for the purposes thereby intended; and various other deceits and frauds are frequently practised in the manufacturing of cordage for shipping: and wherein such deceits and frauds might be prevented for the future, if the said act was repealed, and some further and other provisions and regulations given and made for that purpose:* may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the twenty-fifth day of *July*, one thousand seven hundred and eighty-five, the above-mentioned act shall be, and the same is hereby repealed.

Said act repealed.

II. And be it further enacted, That, from and after the said twenty-fifth day of *July*, no person or persons whosoever shall use or cause to be used in the manufacturing of cables, hawsers, or other ropes, for the use of shipping, or shall knowingly vend or sell any cables, hawsers, or other ropes, for the use of shipping, in the manufacturing whereof there shall be used any hemp, usually known or distinguished by the respective names or descriptions of short chucking, half clean, whale line, or other toppings, codilla, damaged hemp bought at publick or other sales, or any hemp whatsoever, from which the staple part thereof shall have been taken away by the manufacturer; and if any person or persons shall, after the said twenty-fifth day of *July*, use or cause to be used, in the manufacturing of any cable, hawser, or other rope, for the use of shipping, or shall knowingly vend or sell any cable, hawser, or other rope, for the use of shipping, in the manufacturing whereof there shall be used any hemp, usually known or distinguished by the respective names or descriptions of short chucking, half clean, whale line, or other toppings, codilla, damaged hemp bought at publick or other sales, or any hemp whatsoever, from which the staple part thereof shall have been taken away by the manufacturer, every such person, being the manufacturer of such cable, hawser, or other rope, shall forfeit and lose every such cable, hawser, or other rope, and also a sum of money equal to treble the value thereof; and every person who shall knowingly vend or sell such cable, hawser, or rope as aforesaid, not being the manufacturer thereof, shall forfeit a sum of money equal to treble the value thereof.

From July 25, 1785, no person shall use or cause to be used in the manufacturing of cables, hawsers, or other ropes, for the use of shipping, in which any hemp is used called Short Chucking, &c.

Forfeiture of cables, &c.

Cordage to be distinguished as staple or inferior.

III. *And, for the better distinguishing the quality of cables, hawsers, and other ropes, for the use of shipping,* be it further enacted, That, from and after the said twenty-fifth day of *July*, whenever any cable, hawser, or rope as aforesaid, shall be manufactured in the whole, or in part, of any hemp, the use whereof is not prohibited by this act, and the staple and quality whereof shall be inferior to clean *Petersburgh* hemp, such cable, hawser, or rope as aforesaid, shall be deemed and taken to be inferior cordage, and the manufacturer thereof shall distinguish such cable, hawser, or rope as aforesaid, by running into the same, from end to end of each cable, three tarred-mark yarns, spun with turn contrary to that of rope yarn, and also one like tarred yarn in every other rope, for the use of shipping, and by marking or writing on the tally thereof the word *Staple* or *Inferior*, as the case shall be; and every manufacturer making default herein shall forfeit the sum of ten shillings for every hundred weight of such cable, hawser, or rope.

Manufacturers to affix their names, &c. to new cordage, before sold,

on penalty of xcs. per hundred weight.

IV. And be it further enacted, That, from and after the said twenty-fifth day of *July*, whenever any new cable, hawser, or other rope for the use of shipping, shall be vended or sold by the manufacturer or manufacturers thereof, there shall be affixed thereon a tally, containing his or their name or names, signed by him or themselves, or his or their attorney or attornies, together with the name of the place where the same shall have been manufactured; and if any such manufacturer or manufacturers, or any other person or persons whosoever, shall vend or sell any such cable, hawser, or other rope, without having such tally thereon as aforesaid, he or they shall, for every such offence, forfeit the sum of ten shillings for every hundred weight thereof.

Penalty on putting a false name to any cordage.

V. And be it further enacted, That if any rope maker or rope makers shall put, or wilfully or knowingly permit or suffer to be put, his or their name or names on the tally of any cable, hawser, or other rope for the use of shipping, not being his or their own proper manufacturing; or if the vender or proprietor of any such cable, hawser, or other rope as aforesaid, or any other person whosoever, shall wilfully and knowingly put or mark, upon the tally to be affixed thereon, the name or names of any person or persons, not being the manufacturer or manufacturers thereof, every person so offending shall forfeit, for every such offence, the sum of twenty pounds.

Penalty on making cables of old stuff, &c.

VI. And be it further enacted, That if any person or persons shall make, or cause to be made, any cables of any old or worn stuff, which shall contain above seven inches in compass, then every person so offending shall forfeit and lose four times the value of every such cable so by him or her made, or caused to be made, as aforesaid.

Penalties and forfeitures how to be recovered and applied.

VII. And be it further enacted, That all pecuniary penalties or forfeitures, by this act imposed, which shall exceed the sum of five pounds, shall and may be recovered by action, bill, plaint, or information, in any of his Majesty's courts of record at

at *Westminster*, wherein no essoin, privilege, protection, wager of law, or more than one imparlance, shall be granted or allowed; and that all pecuniary penalties or forfeitures, by this act imposed, which shall not exceed the sum of five pounds, shall be levied and recovered by distress and sale of the goods and chattels of the offender or offenders, by warrant under the hand and seal of any justice of the peace for the county, city, or place, wherein such offender or offenders shall reside, which warrant every such justice is hereby impowered to grant, upon the information or testimony of two or more credible witnesses upon oath; and the overplus (if any) of the money arising by such distress and sale, shall be rendered, upon demand, to the owner or owners of such goods and chattels, after deducting thereout the charges and expences of such distress and sale; and in case sufficient goods and chattels of such offender or offenders cannot be found, and such penalty or forfeiture shall not be forthwith paid, such justice shall, and is hereby authorized to cause such offender or offenders to be committed to the common gaol or house of correction, there to remain for any time not exceeding three calendar months, nor less than seven days, or until such penalty or forfeiture, and all costs and charges attending the same, be paid; and all such penalties and forfeitures, and also all cordage which shall be forfeited, in pursuance of this act, shall be paid and delivered to the person or persons who shall sue or prosecute for the same; and it shall be lawful for such person or persons to sell, or otherwise dispose of such cordage, (after being cut into lengths, not exceeding twelve feet), to and for his or their own use and benefit, any thing herein-before contained to the contrary hereof notwithstanding.

VIII. *And whereas, by virtue of the laws now in being, certain duties are charged upon or payable for or in respect of foreign-made cordage imported into this kingdom: and whereas the masters of* British *ships and vessels, navigated into this kingdom, do frequently use and import great quantities of cordage made and manufactured in foreign parts, without paying the said duties for or in respect thereof, to the great prejudice of the manufacture of cordage for shipping within this kingdom, and to the diminution of the publick revenue:* for preventing the like practice for the future, be it enacted by the authority aforesaid, That, from and after the said twenty-fifth day of *July*, whenever any ship or vessel belonging to any of his Majesty's subjects resident in *Great Britain*, or any of the *British* colonies, having on board any foreign-made cordage, shall be navigated into any port within this kingdom, the master of such ship or vessel shall, at the time of making his entry or report of such ship or vessel at the custom-house where the same shall be entered, also make an entry or report, upon oath, of all the foreign-made cordage on board of such ship or vessel, for or in respect of which the said duties shall not have been before paid (standing and running rigging in use excepted); and such master shall, before such ship or vessel shall be cleared by

From July 25, 1785, vessels belonging to British subjects, having on board foreign-made cordage, to make entry thereof on entering into any British port.

the officers of the customs inwards, where any discharge shall be made of her lading, pay to his Majesty, his heirs and successors, the like duties for or in respect of all such foreign-made cordage as shall be specified or mentioned in the said entry or report, as by the laws now in being are charged upon or payable for or in respect of any foreign-made cordage imported into this kingdom; and if the master of any such ship or vessel shall make default herein, all such foreign-made cordage as aforesaid as shall be on board such ship or vessel shall be forfeited to his Majesty, his heirs and successors, and such master shall, for every such offence, also forfeit the sum of twenty shillings for every hundred weight thereof.

Penalty on default.

Not to extend to cordage brought from the East Indies, &c.

IX. Provided always, That nothing herein-before contained shall be deemed, construed, or taken to charge or make liable any captain or master of any ship or vessel coming from the *East Indies*, with any duty for or upon account of such ship or vessel having any foreign-made cordage on board, such cordage having been, by such captain or master, actually brought from the *East Indies*.

X. Provided also, and be it further enacted, That nothing in this act contained shall extend to the materials at present in the use of any ships or vessels that were built abroad before the passing of this act, and are the property of the subjects of *Great Britain*.

Persons aggrieved may appeal to the quarter sessions.

XI. And be it further enacted, That if any person shall think himself or herself aggrieved by any matter or thing to be done in pursuance of this act, and for which no particular method of relief is herein-before appointed, such person may, within four calendar months after such matter or thing shall have been so done, appeal to the justices of the peace, at their general quarter sessions, to be holden for the county, city, or place, wherein the cause of appeal shall have arisen, the appellant first giving, or causing to be given, fourteen days notice at the least in writing, of his or her intention to exhibit such appeal, and the matter thereof, to the person or persons appealed against, and, within four days after giving such notice, entering into a recognizance before some justice of the peace for such county, city, or place, with two sufficient sureties, conditioned to try such appeal at, and abide by the order of, and pay such costs as shall be awarded by, the justices at such general or quarter sessions; and the said justices at such sessions, upon due proof of such notice being given, and of the entering into such recognizance as aforesaid, shall hear and finally determine the causes and matters of such appeal in a summary way, and award such costs to the party appealing or appealed against as they shall think proper; and the determination of such justices shall be binding, final, and conclusive, to all intents and purposes whatsoever.

Proceedings not to be quashed.

XII. Provided always, and be it further enacted, That no order, verdict, judgement, or other proceeding, made touching or concerning any of the matters aforesaid, or touching the conviction

viction of any offender againſt this act, ſhall be quaſhed or vacated for want of form only, or be removed or removeable, by *certiorari*, or any other writ or proceſs whatſoever, into any of his Majeſty's courts of record at *Weſtminſter*, any law or ſtatute to the contrary hereof in any wiſe notwithſtanding: and where any diſtreſs ſhall be made for any ſum or ſums of money to be levied by virtue of this act, the diſtreſs itſelf ſhall not be deemed unlawful, nor the party or parties making the ſame be deemed a treſpaſſer or treſpaſſers, on account of any defect or want of form in the ſummons, conviction, warrant of diſtreſs, or other proceeding relating thereto; nor ſhall the party or parties diſtraining be deemed a treſpaſſer or treſpaſſers *ab initio*, on account of any irregularity which ſhall afterwards be done by the party or parties diſtraining; but the perſon or perſons aggrieved by ſuch irregularity ſhall and may recover full ſatisfaction for the ſpecial damage in any action upon the caſe; provided that no plaintiff or plaintiffs ſhall recover, in any action, for ſuch irregularity, if ſufficient tender of amends hath been made to him, her, or them, by or on behalf of the defendant or defendants, before ſuch action brought.

nor diſtreſs deemed unlawful, for want of form,

XIII. And be it further enacted by the authority aforeſaid, That if any action or ſuit ſhall be commenced or proſecuted againſt any perſon or perſons, for any matter or thing to be done in purſuance of this act, every ſuch action or ſuit ſhall be commenced within three calendar months next after the cauſe of action ſhall have ariſen, and not afterwards, and ſhall be laid and tried in the county, city, or place, where the ſame ſhall ariſe, and not elſewhere; and the defendant or defendants in ſuch action or ſuit may plead the general iſſue, and give this act, and the ſpecial matter, in evidence at any trial to be had thereupon, and that the matter or thing for which ſuch action or ſuit ſhall be commenced, was done in purſuance and by the authority of this act: and if the ſame ſhall appear to have been ſo done, or if any ſuch action or ſuit ſhall be brought or commenced after the time before limited for bringing the ſame, or ſhall be laid in any other county or place than as aforeſaid, then and in every ſuch caſe the jury ſhall find for the defendant or defendants; and upon ſuch verdict, or if the plaintiff or plaintiffs ſhall be nonſuited, or ſuffer a diſcontinuance of his, her, or their action or ſuit, after the defendant or defendants ſhall have appeared, or if upon demurrer judgement ſhall be given againſt the plaintiff or plaintiffs, the defendant or defendants ſhall have treble coſts, and ſhall have ſuch remedy for the ſame as any defendant or defendants hath or have for coſts of ſuit in any other caſes by law.

Limitation of actions.

General iſſue,

Treble coſts.

XIV. And be it further enacted, That this act ſhall be deemed a publick act; and ſhall be judicially taken notice of as ſuch, by all judges, juſtices, and other perſons whomſoever, without ſpecially pleading the ſame.

Publick act.

CAP. LVII.

An act to exempt carriages, carrying the mail, from paying tolls at any turnpike gate in Great Britain.

Preamble. WHEREAS *by several acts of parliament, made for repairing particular roads in this kingdom, carriages, horses, and other cattle, employed in the conveyance of the mail or packet, are exempt from the payment of the tolls directed to be levied by such acts: and whereas, by several other acts of parliament, horses only that are employed in carrying the mail or packet are exempt from the payment of the said tolls: and whereas it may be of advantage to the publick that the mail, or packet, should be conveyed to different parts of the kingdom by carriages or publick diligences, which renders it expedient that all carriages, as well as horses and other cattle, conveying the mail or packet from one part of this kingdom to another, should be exempt from the payment of tolls at all and every turnpike, toll-gate, or bar, erected or set up by authority of parliament*; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifteenth day of *July*, one thousand seven hundred and eighty-five, all carriages of what description soever, or horses, which shall be employed in conveying from one part of this kingdom to another the mail or packet, which shall be made up under the authority or direction of his Majesty's postmaster general, or his deputy or deputies, shall be, and the same are hereby exempted, freed, and discharged from the payment of any tolls whatsoever that shall or may be demanded for the passage of carriages or horses, through any turnpike, toll-gate, or bar, at which any toll is collected by any act or acts of parliament now in force; and all turnpike keepers or toll collectors are hereby directed and required to permit such carriages and horses to pass through all and every turnpike, toll-gate, or bar, without demanding any toll or duty for so doing; any thing in any act or acts of parliament contained to the contrary notwithstanding.

From July 15, 1785, all carriages, or horses, carrying the mail, exempted from toll.

CAP. LVIII.

An act for the encouragement of the pilchard fishery, by allowing a farther bounty upon pilchards taken, cured, and exported.

Preamble. WHEREAS *by an act of parliament, made in the fifth year of the reign of the late King* George *the First, intituled,* An act for recovering the credit of the *British* fishery in foreign parts; and better securing the duties upon salt, *it is, among other things, enacted, That a certain bounty should be paid for every cask or vessel of pilchards, exported from any port or place in* Great Britain *into parts beyond the seas, under the restrictions and regulations in the said act mentioned: and whereas by another act, made in the third year of the reign of the late King* George *the Second, intituled,* An act

5 Geo. 1. c. 18.

act for taking off certain duties on salt, and for making good any deficiencies in the funds that may happen thereby; and for charging the reduced annuity, payable to the *East India* company, on the aggregate fund; and for relief of *Matthew Lyon* executor of *Matthew Page* deceased, in respect of the duty for salt lost by the overflowing of the river *Mersey*, in the year one thousand seven hundred and twenty-four; *further provisions are made for the continuance, and respecting the payment of the before mentioned bounty: and whereas it has been found, by experience, that the pilchard fishery hath of late years been decreasing, and great losses have been sustained by the adventurers concerned in the said fishery, insomuch that the number of such adventurers, and of the craft therein employed, is considerably diminished; and there is reason to apprehend, that the benefit arising from the said fishery to the trade and navigation of this kingdom may be wholly lost, unless a further bounty be allowed for a limited time*; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, for every cask or vessel of pilchards, containing fifty gallons, and so in proportion for a greater or lesser quantity thereof, which shall be exported from any port or place in *Great Britain* into parts beyond the seas, between the twenty-fifth day of *June*, one thousand seven hundred and eighty-five, and the twenty-fifth day of *June*, one thousand seven hundred and eighty-six, upon which the person or persons exporting the same shall be intitled to the bounty of seven shillings, by virtue of or under the said two several acts herein-before mentioned, an additional bounty of two shillings shall be paid and payable to such person and persons, so intitled to the said bounty of seven shillings, at such times, in such manner, by such person and persons, and out of such monies as the said bounty of seven shillings is, by the said two several acts, or either of them, directed to be paid.

3 Geo. 2. c. 20.

The bounty of 7s. on the exportation of pilchards, increased to 9s. for all to be exported between June 25, 1785, and June 25, 17

II. Provided always, and be it enacted, That the same rules and regulations shall be in force with respect to the pilchards exported within the time herein-before mentioned, in order to prevent the relanding or reimporting thereof, and the owners thereof shall be subject to the same penalties, in case of relanding, or any other fraudulent proceedings, in order to obtain the said bounties granted and payable by this act, as, by the said act passed in the fifth year of the reign of the late King *George* the First, are prescribed and inflicted, with regard to fish cured in and exported from that part of *Great Britain* called *England*.

Regulations in the act of 5 Geo. 1. to prevent the relanding of pilchards, to be in force with respect to this act.

III. And be it enacted by the authority aforesaid, That where any fish, entitled to the bounty granted by this act upon exportation thereof, shall be loaden for exportation, and duly entered and passed by the proper officer, and the said fish shall be lost or spoiled before the ship's proceeding on her

Clause relative to fish lost or spoiled.

voyage, then the proper officer of the port or ports, where such fish so lost or spoiled was or shall be entered, shall, upon due proof thereof, made upon oath before any of the chief officers of such port (who are hereby impowered to administer the same), by the proprietor or proprietors of such fish, or his or their agents, give a debenture for the bounty granted by this act, as if such fish had been actually exported to parts beyond the seas; provided that the said fish was sunk in the sea or port where the said ship was lost or destroyed, in the sight of the proper officer, where any of the said fish shall come ashore, and that no use be made of the said fish by the proprietor or proprietors, or his or their agents; and the said officer is hereby required to cause such fish to be burnt, or otherwise destroyed, any thing in this or any other act to the contrary notwithstanding.

Reciting that certain vessels employed in the pilchard fishery are subject to forfeiture by 24 Geo. 3. c. 47.

IV. *And whereas many vessels or boats, the length of which is greater than in the proportion of three feet and an half to one foot in breadth, are commonly employed, and are necessary to be employed in the pilchard fishery; which vessels or boats, together with all the goods laden thereon, and their tackle and furniture, are subjected to forfeiture, by an act made in the twenty-fourth year of the reign of his present Majesty, intituled,* An act for the more effectual prevention of smuggling in this kingdom; *unless the same are licensed as the said act directs: and whereas it is expedient that an easy method of obtaining such licences should be provided for the owners of such vessels or boats, adventurers in the said fishery,* be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the officer, appointed to collect the duties on salt in any port, harbour, or creek in this kingdom, and every such officer is hereby directed and required, upon demand of the owner or owners of such vessel or boat, and security given as herein-after mentioned, to grant to such owner or owners of such vessel or boat a licence, to be subscribed by such officer, specifying the tonnage of such vessel or boat, and describing the built thereof with respect to length and breadth, and who is or are the owner or owners thereof; which licence the said officer is hereby required duly to register, and no fee, gratuity, or reward, shall be demanded or received for the granting of such licence, nor for the registering of the same; and the owner and owners of such vessel or boat shall give sufficient security, by bond, to his Majesty, his heirs and successors, in double the value of such vessel or boat, to be approved by, and to the satisfaction of such officer, (which bond the said officer is hereby directed and required to provide, without demanding or receiving any fee or reward for the same, except the stamp-duties payable thereupon), with condition that such vessel or boat shall not be employed in the importation or landing of any tea or foreign spirituous liquors, or any prohibited or other goods, contrary to the true intent and meaning of the said act, made in the twenty-fourth year of the reign of his present Majesty, or of any other act, or in the exportation of any goods which are

Collectors of salt duties in any port, etc. to grant licences to the owners of such vessels, on proper security being given.

Conditions of the bond.

are or may be prohibited to be exported from this kingdom, or in the relanding of any goods whatsoever, contrary to law, which are entered outwards for exportation, for any drawback or bounty, or which are or may be prohibited to be used or worn in *Great Britain*; on failure whereof such licence shall be void and of no force or effect, and such vessel or boat shall be liable to seizure and prosecution, in the same manner as if no such licence had been granted.

Defendants may plead the general issue,

V. And be it enacted by the authority aforesaid, That if any person or persons shall, at any time, be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, he or they shall or may plead the general issue, and give this act and the special matters in evidence for his defence; and if upon trial a verdict pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuit, discontinue, or forbear prosecuting the said actions, then such defendant or defendants shall have double costs to him or them awarded against such plaintiff or plaintiffs; for which costs, he shall have the like remedy as in other cases where costs are by law given to defendants.

and recover double costs.

Publick act.

VI. And be it further enacted, That this act shall be deemed, taken, and allowed, in all courts of law, as a publick act; and shall be judicially taken notice of as such, by all judges, justices, and others whomsoever, without specially pleading the same.

CAP. LIX.

An act for granting to his Majesty a certain sum of money, to be raised by a lottery.

650,000l. to be raised by a lottery, which is to consist of 50,000 tickets, at 13l. each. Books have been opened at the bank for that purpose, and the whole 650,000l. has been subscribed, and a deposit of 1l. 6s. made for each ticket. All persons who have made deposits, pursuant to the resolution of the house of commons, are required to pay the remainder of their subscriptions, viz. 11l. 14s. for each ticket at the times specified, namely, 1l. 19s. on or before July 25, 1785; 1l. 6s. on or before the 26th of August following; 1l. 6s. on or before the 26th of September following; 1l. 19s. on or before the 27th of October following; 1l. 19s. on or before the 28th of November following; 1l. 6s. on or before the 15th of December following; and the remaining sum of 1l. 19s. on or before January 9, 1786. Every contributor paying 13l. to have a lottery ticket, and a share upon each fortunate ticket, having paid his proportion of the said 650,000l. Cashier to give security, to the good liking of the commissioners of the treasury; and to all monies received into the exchequer. Commissioners of the treasury impowered to apply the money, paid in by the cashier, to such services as shall have been voted by the commons in parliament. 500,000l. the amount of the prizes, to be paid out of any supplies granted this session. Managers and directors of the lottery to be appointed by the treasury. Method of the lottery books to be as usual. The ticket:

LOTTERY for 1785.

THE bearer of this ticket will, in pursuance of an act made in the twenty-fifth year of his present Majesty's reign, be intitled to such beneficial

beneficial chance as shall belong thereto, in the lottery to be drawn by virtue and under the directions of the said act.

Managers to examine the books with the tickets, and deliver them to the cashiers of the bank, taking a receipt for the same. Cashiers to return the books, with the undisposed tickets, with an account of the monies paid in. Undisposed tickets to be delivered into the exchequer. Tickets of the middle columns to be rolled up, and fastened with thread or silk; and cut off indentwise into a box marked with the letter (A). Box to be locked up, and sealed. Books to be prepared with two columns, on each of which 50,000 tickets are to be printed. The number and value of fortunate tickets are, 2 of 20,000l. each; 3 of 10,000l. each; 5 of 5000l. each; 10 of 2,000l each; 15 of 1,000l. each; 30 of 500l. each; 100 of 100l. each; 250 of 50l. each; 16,275 of 20l. each: and also 1,000l. to the first-drawn ticket of the first day; 1,000l. to ditto the 4th day; 1,000l. to ditto the 7th day; 1,000l. to ditto the 10th day; 1,000l. to ditto the 13th day; 1,000l. to the first-drawn ticket the 16th day; 1,000l. to the last-drawn. Tickets of the last-mentioned books to be rolled up and tied. Publick notice to be given of putting the tickets into the boxes. Lottery to begin drawing on Feb. 6, 1786. Method to be observed in drawing, &c. as usual. To draw until the whole number of 16,690 fortunate tickets, and one more for the last-drawn, be completely drawn. Number of the fortunate tickets, and the sums, to be printed. Disputes to be adjusted by the managers. Forging tickets, &c. felony without benefit of clergy: managers may apprehend and commit the offender, &c. Offenders (not in prison) discovering persons guilty, to receive a pardon, and 50l. reward. Provided that no attainder for any such offence, to work corruption of blood, etc. Managers to be sworn. The oath:

I A. B. as a manager and director of the lottery to be drawn in pursuance of an act of parliament, made in the twenty-fifth year of his Majesty's reign, do swear, That I will faithfully execute the trust reposed in me; and that I will not use any indirect art or means, or permit or direct any person to use any indirect art or means, to obtain a prize or fortunate lot therein, for myself, or any other person whatsoever; and that I will do the utmost of my endeavours to prevent any undue or sinister practice to be done by any person whatsoever; and that I will, to the best of my judgement, declare to whom any prize, lot, or ticket of right does belong, according to the true intent and meaning of the said act.

To be administered by two managers. Cashier may receive the sums subscribed before receiving the lottery book; giving a note for the same; which shall entitle the bearer to a ticket for every 13l. so paid. Contributors not making good their payments within the times limited, forfeit their deposits with respect to the lottery; and the tickets for such sums to be delivered into the exchequer. Commissioners of the treasury may reward the managers, etc. as they shall think fit. The 500,000l. for the payment of the fortunate tickets, to be charged on any supplies granted this session; and shall be paid to the proprietors, without any deduction, on June 1, 1786, etc. Managers to give notice of the times for exchanging tickets for certificates. Certificates to be numbered, etc. and signed by the major part of the managers. Commissioners of the treasury impowered to defray the incidental expences attending the execution of this act. No fee to be taken for receiving or paying contribution-monies, or for any receipts, etc. on penalty of 20l. Persons sued in execution of this act, may plead the general issue, and recover treble costs.

CAP.

CAP. LX.

An act for granting to his Majesty a certain sum of money out of the sinking fund; and for applying certain monies therein mentioned for the service of the year one thousand seven hundred and eighty-five; and for further appropriating the supplies granted in this session of parliament; and for providing a compensation to the clerks in the offices of the principal secretaries of state, for the advantages such clerks enjoyed before the commencement of an act, made in the twenty-fourth year of the reign of his present Majesty, for establishing certain regulations concerning the portage and conveyance of letters and packets by the post, between Great Britain and Ireland.

2,297,460l. 3s. 10d. 2q.] granted out of the sinking fund, for the service of the current year; to be issued by the treasury accordingly. Treasury impowered to raise the sum of 2,297,460l. 3s. 10d. 2q. or any part thereof, by loans or exchequer bills, on the credit of the sinking fund. All persons who shall lend any money upon the credit of this act to have a tally of loan, with orders for repayment of the money, with interest. Orders to be registered in course. No undue preference to be given in payment. No fee to be taken, on forfeiture of treble damages, with full costs. Undue preference in point of registry or payment, subject to an action of debt, or on the case, and to pay the value of the value of the debt, and full costs, and also to forfeit his office. Auditor, etc. neglecting his duty, liable for damages, etc. to be recovered at Westminster. No undue preference in the registering, where orders are brought the same day; nor if subsequent orders are paid before others not brought in course, so as money be reserved for the preceding orders. Power of assignment, and method of transferring of orders, by assignment indorsed and notified in the auditors office (without fee.) If it shall be judged more adviseable, the treasury may raise by exchequer bills instead of loans the sum of 2,297,460l. 3s. 10d. 2q. and the bills in such case to be made in the manner prescribed by the malt act of this session. All advantages and penalties in the said act of this session, relating to loans or exchequer bills thereby authorised to be made forth, extended to this act. The said exchequer bills, interest, and charges, are to be paid out of the sinking fund. Bank authorised to lend to his Majesty the sum of 2,297,460l. 3s. 10d. 2q. notwithstanding an act of 5 and 6 Gul. & Mariæ. The sum of 702,539l. 16s. 1d. 2q. remaining in the exchequer on April 5, 1785; 66,161l. 3s. 5d. 2q. overplus of grants for 1784; and 238,928l. 16s. 3d. now remaining in the exchequer, shall be applied towards making good the supply. 231,578l. 18s. 2d. remaining in the hands of the paymaster general, shall be applied towards defraying extraordinary expences of land forces, and other services, from Dec. 25, 1783, to Dec. 24, 1784. The monies arising by the malt act, c. 2. Land tax, c. 4. Loans, (1,500,000l.) c. 11. further loans, (1,000,000l.) c. 12. further bills, (1,000,000l.) c. 33. Lottery act, 650,000l. c. 59. 702,539l. 16s. 1d. 2q. remaining in the exchequer, April 5, 1785; 62,161l. 3s. 5d. 2q. overplus of grants in 1784; 238,928l. 16s. 3d. remaining in the exchequer; and 2,297,460l. 3s. 10d. 2q. by this act granted out of the surpluses of the sinking fund; shall be applied (with the residue of the monies arising from the sale of French prizes, etc.) to the uses following: 2,551,307l. 17s. 2d. towards naval services; 42,035l. 13s. 8d. for the charges of the office of ordnance, not provided for, in 1784; 350,820l. 1s. 9d. for the charges of the office of ordnance, for 1785; 2,054,684l. 10s. 10d. and five eighth parts of a penny, towards maintaining the land forces, and other services after mentioned; of which, 655,963l. 4s. 3d. for defraying the charge of 18,053 effective men, including 2,030 invalids, and also officers, agency, etc. 222,021l. 4s. 4d. for forces in plantations, and at Gibraltar, etc. for 1785; 6,355l. 15s. 8d. for defraying the difference between the British and Irish establishment of six battalions of foot, etc. 6,968l. 9s. 9d. advanced

vanced to a regiment of light dragoons, etc, for 1785; 25,784l. 8s. 9d. 2q. for supernumerary officers, etc. for 1785; 6,236l. 10s. 6d. for general staff officers, for 1785; 74,221l. 14s. 5d. for allowance to the paymaster general of the land forces, to the secretary at war, to the commissary general of the musters, to the judge advocate general, to the comptroller of the accounts of the army, their deputies and clerks, including the contingent expences of their respective offices, for exchequer fees, to be paid by the paymaster general, and on account for poundage to be returned to the infantry of the King's forces for the year 1785. 8,904l. 6s. 6d. for five battalions of Hanoverian infantry; 191,226l. 0s. 6d. for Chelsea pensioners, 1785; 69,291l. 9s. 6d. for subsides to the landgrave of Hesse Cassel, and to the reigning duke of Brunswick, for 1785; 50,989l. 2s. 7d. to make good a dificiency to the landgrave of Hesse Cassel; 13,027l. 7s. 6d. for pensions to officers widows; 7,737l. 18s. 1d. 3q. for several battalions of foot for different periods in 1784; 197,703l. 7s. 10d. for reduced officers; 335l. 15s. 4d. for officers and private gentlemen of horse guards reduced, etc. 57,800l. 1s. 11d. for commissioned officers of British American forces; 736l. 11s. 6d. for British American forces, in 1783; 4,308l. 11s. 3d. for ditto, in 1784; 3,535l. 0s. 6d. for officers late in the service of the states general; 451,537l. 10s. 1d. for extraordinaries, etc. from Dec. 25, 1783, to Dec. 25, 1784; 1,500,000l. for paying off the exchequer bills made out by virtue of an act 24 Geo. 3. c. 33. 1,000,000l. for paying off bills made out by virtue of another act of the same year; c. 52. 7,066l. 18s. 3d. issued in pursuance of addresses of the house of commons; 25,000l. towards carrying on the buildings at Somerset House; 2,950l. for East Florida; 8,976l. 17s. 6d. for Nova Scotia, for 1785; 1,900l. for the island of St. John; 2,550l. for Cape Breton; 2,370l. for the Bahama Islands; 1,592l. 1s. 10d. for the chief justice of Somers Islands, etc. 6,356l. 17s. for New Brunswick in America; 13,000l. for maintaining forts on the coast of Africa; 9,000l. for the commissioners of publick accounts; 3,200l. to make good the like sum paid to the secretaries of the said commissioners, etc. 3,000l. for assisting the Levant company; 800l for completing a road in North Britain, from Ballantrae in Ayrshire, to Stranraer in Galloway, for the year 1785; 5,489l. 17s. for general Murray, late governor of Minorca; to reimburse him 5000l. paid to James Sutherland, pursuant to a verdict in the court of exchequer, in 1783; 8,395l. 2s. 5d. issued to Thomas Cotton esquire, to discharge bills drawn on the treasury by John Parr esquire, the governor of Nova Scotia; 36,819l. 19s. issued for relief of American civil officers, etc. 56,113l. 13s. 6d. 3q. to make good a deficiency in the 4 1-half per cent. duties; 150,000l. upon account, to such persons who have proved their losses in America to the commissioners appointed by 23 Geo. 3. c. 80; 3,000l. to be paid to Mr. Cunninghame for compiling an index to the journals of the house of commons, from 1547 to 1660; 13,578l. 14s. 4d. issued to Duncan Campbell for maintaining convicts, etc. on the river Thames; 12,087l. 7s. 8d. 2q. to make good the deficiency of a fund for paying annuities granted by an act 31 Geo. 2. c. 22; 159,620l. 18s. 9d. 1q. to make good the deficiency of a fund for paying annuities granted by an act 18 Geo. 3. c. 22; 122,730l. 4s. 8d. to make good the deficiency of a fund for paying annuities granted by an act 19 Geo. 3. c. 18; 158,551l. 4s. 11d. to make good the deficiency of a fund for paying annuities granted by an act 20 Geo. 3. c. 16; 114,214l. 4s. 3d. 2q. to make good the deficiency of a fund for paying annuities granted by an act 22 Geo. 3. c. 8; 617,466l. 10s. to make good the deficiency of a fund for paying annuities granted by an act 23 Geo. 3. 35; 24,044l. to make good the deficiency of a fund for paying annuities granted by an act 24 Geo. 3. c. 10. The said aids to be applied only to the uses before mentioned. Sec. 26. Rules to be observed in the application of the half pay: none to receive half pay who was under sixteen! years of age when his regiment, etc. was reduced, nor except he did actual service, or if he had any other place of profit, civil or military, under the King; nor any chaplain who has any ecclesiastical benefice in Great Britain or Ireland; nor any person who has resigned his commission, and had none since;

since; nor to any person under a warrant, who would not otherwise be intitled as reduced officers; nor to any officer of the five regiments of dragoons, and eight regiments of foot disbanded, (except such as were lately taken off half pay in Great Britain, by an act 24 Geo. 3. c. 44. a sum not exceeding 75,116l. 18s. 6d. and a sum not exceeding 130,300l. were appropriated to be paid to reduced officers. Overplus monies, above satisfying the said officers, to be disposed of to officers who were maimed, etc. in the late wars, or to officers widows and children, as his Majesty shall direct. Recital of 4 Geo. 3. c. 24. whereby the clerks in the secretary of states offices had the privilege of franking printed votes, etc. as before accustomed, which act by 24 Geo. 3. c. 8. was repealed, and the said privilege taken away, as a recompence for the loss, and a compensation for the advantages arising thereby. Post-office to pay 1000l. per ann. to the secretaries of state, to be distributed by them amongst their clerks quarterly.

CAP. LXI.

An act to authorise the lord steward of the household, the lord chamberlain, the master of the horse, the master of the robes, and the lords of the treasury, respectively, to pay bounties granted by his Majesty to persons in low and indigent circumstances.

WHEREAS *several servants of his late and present Majesty have been discharged from the employments they held severally, in the departments of the lord steward, lord chamberlain, master of the horse, and master of the robes; and the offices of other persons in the said departments have been suppressed; to which servants and other persons, who have been so discharged, or whose offices have been so suppressed, his Majesty was graciously pleased to command, that certain allowances should be paid quarterly, under the name of a* Bounty: *and whereas his Majesty has been graciously pleased to add to the lists of the persons above-mentioned, in the respective departments aforesaid, sundry persons who have been officers or servants, and have been disabled or superannuated in his service, and, in some cases, the widows or children of servants dying in his service: and whereas his Majesty has yearly, and every year, been graciously pleased to grant the sum of one thousand two hundred pounds, to be distributed in small sums among such female objects in distress, as the lords commissioners of his Majesty's treasury should, from time to time, direct: and whereas, by an act passed in the twenty-second year of the reign of his present Majesty, intituled,* An act for enabling his Majesty to discharge the debt contracted upon his civil list revenues; and for preventing the same from being in arrear for the future, by regulating the mode of payments out of the said revenues, and by suppressing or regulating certain offices therein mentioned, which are now paid out of the revenues of the civil list; *sundry offices have been suppressed and abolished, but the holders or occupiers of many of the said offices have, under the authority of the said act, been allowed compensations, which, under the direction of the lords commissioners of his Majesty's treasury, have been paid quarterly by the proper officers appointed for that purpose, within the respective departments of the lord steward of the household, lord chamberlain, master of the horse, and master of the robes: and whereas it is, among other things, by the said recited act enacted, That no pension whatsoever, on the civil establishment, shall thenceforth be* Preamble. 22 Geo. 3. c. 82. sec. 19.

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be paid but at the exchequer, and in the same manner as those pensions which were then paid and entered at the exchequer under the head, title, and description of Pensions; *and, for the better prevention of all practices, by which such grants as of bounty might be made a colour under which pensions might be substantially granted, contrary to the true intent and meaning of the said act, it was provided, That any sum or sums of money, so given as of royal bounty to any person more than once in three years, should be reputed a pension: and whereas doubts have arisen whether, according to the strict letter of the said recited act, the several bounties and compensations aforesaid may not be considered as pensions which ought to be payable at the exchequer only, and whether the several officers who have hitherto paid the same are legally justified in the payment thereof; but as all such bounties are of small annual amount, and payable to persons in low and indigent circumstances, who are not within the meaning of the said recited act; and as all such compensations were so calculated, as that the parties should receive the whole thereof, clear of all taxes and deductions whatsoever, the transfer of such bounties and compensations for payment at the exchequer would be attended with much inconvenience and considerable expence*; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same,

All bounties already given by his Majesty, as before mentioned, or which shall hereafter be given, may continue to be paid by the lord steward, etc.

That all bounties of the description aforesaid, already given or granted, or which may hereafter be given or granted, and all compensations given and granted to persons who heretofore held offices which have been suppressed or abolished, for and in respect of their respective offices so suppressed or abolished, shall not be transferred for payment at the exchequer, but be paid and continue to be paid within the several departments of the lord steward of the household, lord chamberlain, master of the horse, master of the robes, and treasury respectively, by the proper officer in each of the said departments appointed for that purpose, as they heretofore lately have been; and that it shall and may be lawful to and for the commissioners of his Majesty's treasury, or any three or more of them, or the lord high treasurer for the time being, from time to time to issue such sum and sums of money as shall be necessary for the payment of such bounties and compensations, within the respective departments aforesaid; and that all and every sum and sums of money already paid, or hereafter to be paid, by the respective officers in the several departments aforesaid, for or on account of such bounties and compensations, shall be allowed to them respectively, in their several accounts, by the auditors and all other persons having the auditing and passing thereof; any thing in the said recited act, or any other act, to the contrary thereof in any wise notwithstanding.

CAP.

CAP. LXII.

An act to prohibit, for a limited time, the exportation of hay.

Preamble.

WHEREAS *the exportation of hay may, at this time, be greatly prejudicial to his Majesty's subjects*, be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, no person or persons whatsoever shall, directly or indirectly, export, transport, carry or convey, or cause or procure to be exported, transported, carried or conveyed, out of or from the kingdom of *Great Britain*, or load, ship, or lay on board, or cause or procure to be laden, shipped, or laid on board, in any ship or other vessel or boat, in order to be exported, transported, carried or conveyed out of *Great Britain*, any hay of any kind or quality whatsoever, under the penalties and forfeitures herein-after mentioned; (that is to say,) That all such hay so exported, or laden, shipped, or laid on board, in order to be exported or carried out of *Great Britain*, contrary to the true intent and meaning of this act, shall be forfeited; and that every offender or offenders therein shall severally forfeit and pay the sum of one hundred pounds of lawful money of *Great Britain*, for every ton of such hay, and so in proportion for any greater or less quantity which shall be so exported, transported, carried or conveyed out of *Great Britain*, or laden, shipped, or laid on board as aforesaid, in order to be so exported or carried out of *Great Britain*; and also the ship or other vessel or boat in or upon which any such commodity shall be so exported, shipped, or laden, in order to be so exported, and all her guns, tackle, apparel, and furniture, shall be forfeited; and one moiety of all the said penalties and forfeitures shall be to the King's majesty, his heirs and successors, and the other moiety to him or them that shall sue for the same; and for offences which shall be committed in *England*, *Wales*, or the town of *Berwick upon Tweed*, such penalty or forfeiture shall be sued for, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, courts of the counties palatine, or great sessions in *Wales*; in which suit, no essoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed; and for offences committed in that part of *Great Britain* called *Scotland*, by action or summary bill or information in the court of session or exchequer in *Scotland*.

From the passing of this act, no hay to be exported for a limited time,

on forfeiture thereof, and 100l. per ton;

and the vessel, etc. on board which it shall be exported.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, being an officer or officers of the customs or excise, or being lawfully authorised in that behalf by the lord high treasurer, or the commissioners of the treasury for the time being, or any three or more of them, to take and seize all such hay, not allowed

Officers of customs, etc. may seize hay intended to be exported.

lowed to be exported by this act, or by his Majesty's royal proclamation, or order in council, in pursuance of this act, as he or they shall happen to find, know, or discover to be laid on board any ship, or other vessel or boat, at sea, or in any port, or in any navigable river or water, to the intent or purpose to be exported, transported, or conveyed out of this kingdom, contrary to the true intent and meaning of this act, not actually laden on board any ship, or other vessel or boat, and entered for exportation, on the twenty-third day of *July*, one thousand seven hundred and eighty-five, and also the ship, vessel, or boat, in which the same shall be found; and to bring the same to the King's warehouse or warehouses belonging to the custom-house next to the place where such seizure shall be made, or to some other safe place, as near thereto as can conveniently be done, in order to be proceeded against according to law.

Not to extend to hay necessary for cattle on board any ship, etc.

III. Provided always, That this act, or any thing herein contained, shall not extend to prohibit the exportation or carrying out of such or so much of the said commodity as shall be necessary to be carried in any ship or ships, or other vessel or vessels, in their respective voyages, for the sustenance and support of any horses, cattle, or sheep, in the same ships or vessels.

Hay may be exported to Ireland in certain cases; the exporter giving security for the due landing thereof.

IV. Provided also, That this act, or any thing herein contained, shall not extend, or be construed to extend, to prohibit the exporting or carrying such commodity from *Great Britain* into the kingdom of *Ireland*, at any time when the exportation of hay of every kind or quality, from the kingdom of *Ireland*, is or shall be prohibited by law; so as the exporter or exporters thereof do, before shipping or laying the same on board, in order to be so exported or carried from *Great Britain* into the kingdom of *Ireland*, with one or more person or persons, give sufficient security, by bond, in treble the value of such hay, to the customer, collector, or other chief officer of the customs at the port or place where such commodity shall be shipped or laden, (which security the said customer, collector, or other chief officer, is hereby impowered to take in the name, and to the use of his Majesty, his heirs and successors,) that the same hay, and every part thereof, shall be landed and delivered in the kingdom of *Ireland*, and in no other part or parts beyond the seas, and (the dangers and accidents of the seas excepted,) to return to the officer of the customs, to whom such bond shall be given, a certificate in discharge thereof, within six months from the date of such bond, signed by the proper officer or officers of his Majesty's customs, at the port or place in the kingdom of *Ireland* where the said commodity shall be landed or delivered, importing that the same was there landed, and testifying the landing thereof, upon the penalty of the forfeiture of the said bond.

Hay may be carried coastwise.

V. Provided also, That this act, or any thing herein contained, shall not extend to prohibit any person or persons to ship or put on board any such hay to be carried coastwise; that

is to say, from any port, member, or creek of *Great Britain*, to any other port, member, or creek, of the same respectively, having such or the like coast cocquet or sufferance for that purpose, such or the like sufficient security being first given for the landing and discharging the same in some other port, member, or creek of *Great Britain*, and returning a certificate in six months, as is required by law in cases where goods, which are liable to pay duties on exportation, are carried coastwise from one port of *Great Britain* to another, and not otherwise.

His Majesty may permit hay to be exported, by proclamation, etc.

VI. Provided always, and be it enacted by the authority aforesaid, That in case his Majesty, at any time or times during the continuance of this act, shall (in his royal discretion) judge it to be most for the benefit and advantage of this kingdom, to permit the exportation of any such hay, that then it shall and may be lawful to and for his Majesty, by his royal proclamation or proclamations, to be issued by and with the advice of his privy council, or by his Majesty's order in council, to be published in the *London Gazette*, from time to time, to permit and suffer all and every person or persons, natives or foreigners, (but not any particular person or persons) at any time or times to export or carry out of the kingdom of *Great Britain*, any such hay to all or any other place or places, and upon or without giving security for the landing thereof in such place or places, and returning certificates of such landing, as to his Majesty shall seem meet, and in such proclamation or proclamations, or such order in council, to be published in the *London Gazette*, shall be expressed and declared; any thing herein contained to the contrary notwithstanding.

Clause relative to hay purchased for exportation.

VII. And be it further enacted, That all persons who have purchased hay for the purpose of exporting the same (provided the quantity shall amount to one hundred tons or upwards) shall be at liberty to declare the bargain void, upon giving notice of such his, her, or their intention to the seller or sellers of such hay, on or before the twentieth day of *August* next, provided such bargain shall have been made on or after the twenty-ninth day of *June* preceding the said twentieth day of *August*.

Continuance of this act.

VIII. And be it further enacted, That this act shall be and continue in force, until one month after the commencement of the next session of parliament.

CAP. LXIII.

An act for reducing the allowances for waste on salt and rock salt; for regulating the exportation of salt to Jersey, Guernsey, Alderney, *and* Sark; *for repealing the laws allowing the use of foul salt for manure only; for allowing a drawback on the exportation of* Glauber *or* Epsom *salts; for restraining fish curers from being dealers in salt; for regulating the exportation of herrings from the* Isle of Man; *for better securing the duties on salt; and for indemnifying persons who have been guilty of offences against the laws relating to the duties on salt.*

 WHEREAS,

Preamble. 5 Ann. c. 29.

WHEREAS, *by an act of parliament, made in the fifth year of the reign of her late majesty Queen* Anne, *intituled,* An act for the ease of her Majesty's subjects in relation to the duties upon salt, and for making the like allowances upon the exportation of white herrings, flesh, oatmeal, and grain called beer *alias* bigg, as are to be made upon exportation of the like from *Scotland, it is amongst other things enacted, That any merchant or person who shall ship any* English *salt or rock salt, to be carried coastwise, from one port of* England *or* Wales, *or port of* Berwick upon Tweed, *to any port of* England *or* Wales, *or* Berwick upon Tweed, *shall have an allowance after the rate of three bushels for every forty bushels of* English *white salt, and after the rate of one bushel and an half for every forty bushels of* English *rock salt; and an allowance of four bushels for every forty bushels of white salt, and of two bushels for every forty bushels of rock salt, exported in manner therein prescribed from* England *to* Ireland, *in consideration of the ordinary waste in the carriage thereof; and by another act of parliament, made in the sixth year of the reign of her said late majesty* Queen Anne, *intituled,* An act to explain the act of the last session of parliament, for the ease of her Majesty's subjects in relation to allowances out of the duties upon salt carried coastwise; and also an act of the first year of her Majesty's reign, in relation to certain salt-works near the sea-side and bay of *Holyhead* in the county of *Anglesea, the first mentioned allowance for waste is extended to all salt carried coastwise twenty miles or more by sea, or from the port of* Great Yarmouth, *in the county of* Norfolk, *to* Lowestoff *or* Southwold Bay, *in the county of* Suffolk, *although the place to which the said salt should be carried be a member or creek of the port from whence the same was first shipped off: and whereas by an act, made in the twentieth year of his present Majesty's reign, intituled,* An act for granting to his Majesty additional duties upon salt; and for regulating the exportation of salt to the *Isle of Man*; *the exporter or proprietor of white salt and rock salt to the* Isle of Man *is allowed four bushels for every forty bushels of white salt, and two bushels for every forty bushels of rock salt, in consideration of the ordinary waste in the carriage thereof, upon the terms mentioned in the said act in that behalf: and whereas it is found, by experience, that the said allowances far exceed the real waste, and that many opportunities are thereby given of evading the payment of the several duties on salt, and the payment thereof is thereby daily evaded, to the great diminution of the said duties*; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, each and every of the said several allowances for waste on white salt and rock salt carried coastwise, or shipped or exported to *Ireland*, or the *Isle of Man*, be reduced and lessened; and that, instead of the said several allowances before mentioned, there be allowed from thenceforth for waste on white salt and rock salt, carried coastwise

6 Ann. c. 12.

28 Geo. 3. c. 34.

From Aug. 1, 1785, the allowances for waste on salt reduced.

coastwise not less than twenty miles by sea, after the rate of one bushel for every forty bushels of white salt, and after the rate of half a bushel for every forty bushels of rock salt, and no more, and in that proportion for a greater or less quantity; and for waste on white salt and rock salt, exported to *Ireland* and the *Isle of Man*, after the rate of two bushels for every forty bushels of white salt, and after the rate of one bushel for every forty bushels of rock salt, and no more, and in that proportion for a greater or less quantity, the persons who claim the said allowances hereby given producing such certificate as is by the said former acts required, any thing in the said acts, or any other, to the contrary in anywise notwithstanding; and that no allowance whatsoever be from thenceforth made for waste on any salt carried coastwise by sea less than twenty miles.

Recital of 2 & 3 Anne, c. 14.

II. *And whereas by an act, made in the second and third years of the reign of her late majesty Queen* Anne, *intituled,* An act for the better securing and regulating the duties upon salt, *it is (amongst other things) enacted and declared, That any person exporting any salt to* Scotland, *the* Isle of Man, *or the islands of* Jersey *and* Guernsey, *according to the directions of the several acts relating to the said duties upon salt, is and shall be intitled to a drawback of the duties of the salt so exported, in such manner as in case of the exportation of salt to any other foreign parts: and whereas great sums of money are paid out of his Majesty's duties upon salt, on account of debentures for* English *white salt, shipped under pretence of being exported to the islands of* Jersey *and* Guernsey, *and it is found, by experience, that great part of such salt hath been fraudulently put on shore and relanded, without being carried to the said islands, by which evil practices his Majesty's said duties are very much lessened: and whereas the like frauds had been frequently committed on the exportation of salt and rock salt to the* Isle of Man; for remedy whereof it was enacted, by an act passed in the twentieth year of his present Majesty's reign, intituled, *An act for granting to his Majesty additional duties upon salt, and for regulating the exportation of salt to the* Isle of Man, That no debentures should be made or granted, or drawback allowed, for any salt or rock salt exported to the *Isle of Man*, until a certificate should be obtained of the particular quantity landed, according to the directions of the said act: *and whereas it is reasonable and fitting that the provisions of the said act in that behalf should extend to white salt and rock salt, shipped to be exported to the said islands of* Jersey *and* Guernsey, *and to the islands of* Alderney *and* Sark; be it therefore enacted by the authority aforesaid, That the several directions, regulations, and provisions of the said last mentioned act, so far as the same relates to the exportation of any white salt or rock salt to the *Isle of Man*, (except as to the allowance for waste as herein-after mentioned) shall extend, and be deemed and construed to extend, to the exportation of white salt and rock salt to the islands of *Jersey*, *Guernsey*, *Alderney*, and *Sark*, in as full and ample manner as if they were repeated and hereby

20 Geo. 3. c. 34.

Provisions of the last mentioned act relative to exporting salt to the Isle of Man, extended to Jersey, etc.

hereby severally re-enacted, any law or statute to the contrary notwithstanding.

Allowance of waste on salt exported to said islands reduced.

III. Provided always nevertheless, and it is hereby further enacted and declared, That, instead of the allowance for waste of four bushels for every forty bushels of white salt, and of two bushels for every forty bushels of rock salt, shipped for exportation to the *Isle of Man*, in pursuance of the said last mentioned act, or to the islands of *Jersey*, *Guernsey*, *Alderney*, and *Sark*, every exporter of white salt and rock salt to the islands of *Jersey*, *Guernsey*, *Alderney*, and *Sark*, or the *Isle of Man*, shall be allowed only one bushel for every forty bushels of white salt, and half a bushel for every forty bushels of rock salt, in consideration of the ordinary waste in the carriage thereof.

Recital of 5 Ann. c. 8.

IV. *And whereas by the eighth article of the act of union, passed in the fifth year of the reign of her late majesty Queen* Anne, *no salt whatsoever is allowed to be brought from* Scotland *to* England *by land, in any manner, under the penalty of forfeiting the salt, and the cattle and carriages made use of in bringing the same, and paying twenty shillings for every bushel of such salt, and proportionably for a greater or lesser quantity, for which the carrier, as well as the owner, is liable jointly and severally, and the persons bringing or carrying the same, to be imprisoned by any one justice of the peace by the space of six months, without bail, and until the penalty be paid: and whereas salt brought from* Scotland *by land is frequently found in the custody or possession of persons who live near the borders of that part of the united kingdom called* Scotland; *and if discovered by any of the officers for the salt duties, the person or persons in whose custody or possession the same is found, pretend that the same doth not belong to him, her, or them, so that the above mentioned penalties cannot be inflicted on such offender or offenders, as in that act are described:* for remedy whereof, be it enacted by the authority aforesaid, That every person, residing in any county in *England* near the borders of *Scotland*, in whose custody or possession any salt brought from *Scotland* shall be so found, shall be liable to the same penalties as if he or she was the carrier or owner thereof; unless he or she shall make it appear upon the trial, or hearing of any information for such offence, that it came by sea, and that the duties due and payable on the importation thereof had been paid or secured.

Penalty on persons in whose possession salt brought from Scotland by land shall be found.

V. *And whereas by an act passed in the eighth year of his present Majesty's reign, foul salt is permitted to be delivered from any salt works, upon paying a duty of four-pence a bushel, upon the terms therein-mentioned, for manuring of land only: and whereas by an act passed in the twenty-second year of his present Majesty's reign, intituled,* An act for granting to his Majesty additional duties upon salt; and certain duties upon *Glauber* or *Epsom* salts, and also on mineral alkali or flux for glass, made from salt; and to prevent frauds in the duties on foul salt, to be used in manuring of lands; *reciting, That, notwithstanding the restriction in the said act, abuses had been committed contrary to the intent and meaning thereof;*

22 Geo. 3. c. 89.

thereof; and for preventing them in future, it was enacted, That no grey or screw salt, salt-scale, sand-scale, or crustings, or other foul salt whatsoever, produced or to be produced at any salt works within the kingdom of England, *dominion of* Wales, *and town of* Berwick upon Tweed, *from the manufacturing of such white salt as aforesaid, should, from and after the twenty-second day of* June, *one thousand seven hundred and eighty-two, be removed or carried away from the works where the same should be produced, without notice first given to the officer attending such works, or who should reside nearest thereto; and without having been first well and sufficiently mixed with common chimney coal soot, in the proportion of two bushels of soot to one hundred bushels of such salt, under the penalty therein mentioned; which provision in the said act has not had the good effect to prevent such abuses, but great frauds are daily committed by divers manufacturers unlawfully using such foul salt, without the means of detection to the great diminution of the salt duties, who must otherwise use white salt*; be it therefore enacted by the authority aforesaid, That those parts of the said recited acts, which allow the using of foul salt for the manuring of land only, and direct that it shall not be removed from the works without having been first mixed with chimney coal soot, shall be, and the same are hereby declared to be repealed.

Part of the acts of 8 and 22 Geo. 3. repealed.

VI. *And, in order to obviate any doubts that may hereafter arise respecting the duties payable for such foul salt*, be it enacted by the authority aforesaid, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, all foul salt that shall be made or produced at any salt works, shall be subject and liable to the same duties as any *English* white salt is now, or hereafter may be subject and liable to, and to such and the like directions, regulations, and provisions, in every respect, as if they were severally enumerated and re-enacted in the body of this act.

From Aug. 1, 1785, all foul salt to be liable to the same duties as white salt.

VII. *And whereas by an act, made in the twenty-second year of the reign of his present Majesty, intituled,* An act for granting to his Majesty additional duties upon salt; and certain duties upon *Glauber* or *Epsom* salts, and also on mineral alkali or flux for glass, made from salt, and to prevent frauds in the duties on foul salt, to be used in manuring of lands; *a duty of twenty shillings for every hundred weight is laid on all salts known or called by the name of* Glauber *or* Epsom Salts, *made or produced at any salt works in* Great Britain, *and after that rate for a greater or less quantity: and whereas it is found, by experience, that, since the said duty has been imposed, the exportation of the said salts has been much lessened, to the hurt of the maker or manufacturer thereof, it is therefore but reasonable that a drawback or allowance should be made of so much of the said duty on exportation, as will enable the maker or manufacturer to render the sale thereof, at foreign markets, upon equal terms with that of any other country*; be it therefore enacted by the authority aforesaid, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, all and every person or persons who shall export, or cause to be exported, beyond the seas, any salts known or called by the name of

Recital of 22 Geo. 3. c. 39.

Exporters of Glauber or Epsom salts to be allowed a drawback.

of *Glauber* or *Epsom* salts, made or produced at any salt works in *Great Britain*, the duty whereof shall have been paid, shall, upon such exportation, be intitled to a drawback or allowance of ten shillings out of the said duty for every hundred weight of the said salts, upon such and the like terms as in the cases of exportation of foreign and *English* salt.

From Aug. 1, 1785, no fish curer shall sell salt, except to other curers.

VIII. *And whereas great frauds have been committed in the salt revenue by fish curers becoming dealers in salt for home consumption*; be it therefore enacted by the authority aforesaid, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, no fish curer or fish curers shall, directly or indirectly, sell, retail, or vend any salt other than to fish curers, in pursuance of an act made in the fifth year of the reign of his late majesty King *George* the First, intituled, *An act for recovering the credit of the* British *fishery in foreign parts; and for better securing the duties on salt*, under the penalty of forfeiting twenty shillings a bushel for every bushel that he, she, or they shall so dispose of, and after that rate for any greater or less quantity; and shall never afterwards be permitted to have salt duty-free, or be concerned with any other or others as a curer of fish.

5 Geo. 1. c. 18.

Penalty.

Recital of 12 Geo. 3. c. 58.

IX. *And whereas by an act made in the twelfth year of his present Majesty's reign, intituled,* An act for the further encouragement of the herring fishery on the coast of the *Isle of Man*; and for obviating a doubt which has arisen with respect to the allowing the bounties upon the *British* white herring fishery, in the year one thousand seven hundred and seventy-one; *any sort of herrings, caught upon the coasts of the* Isle of Man *and cured there, are allowed to be imported and brought into any part of* Great Britain, *upon payment of the duties therein mentioned, the master or other person having the charge of the ship so importing such herrings, bringing with him a certificate or certificates from the governor, lieutenant governor, commander in chief, or chief magistrate for the time being, that oath had been made before him or them, in the presence of the officer of the customs for the port or place where such herrings were put on board, that the same were* bona fide *taken on the coasts of the* Isle of Man *and cured there; which certificate or certificates also to be attested by the said officer of the customs, and to express the number of barrels, and quantity of such herrings respectively, and the marks of the package expressed in the bill or bills of lading, with the name or names, place or places of abode of such person or persons as shall have made the oath thereby directed, and where and to whom such herrings shall be consigned in* Great Britain; *and the master, or person taking charge of the ship or vessel importing the same, also making oath before the collector or principal officer of the salt-duties, at the port or place of importation in* Great Britain, *that the said herrings were the same that were taken on board by virtue of the said certificate or certificates so to be produced; on failure whereof, or of any of the requisites therein mentioned, the herrings to be liable to the same duties, penalties, and forfeitures, as such herrings would have been liable to by law, if the said act had not been made: and whereas, before the passing of the said act, all kinds of fish were prohibited*

hibited from being brought in or imported from the said island; and it is since found by experience that herrings, caught and cured upon the said coasts, are clandestinely shipped, and fraudulently brought into Great Britain, *to the loss of the revenue, and injury to the fish curers there, contrary to the intention of the said act, which may in a great measure be prevented, if further provisions and suitable penalties were to be inflicted on persons offending against the said act*; be it therefore enacted by the authority aforesaid, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, no herrings, caught upon the coasts of the *Isle of Man*, and cured there, shall be shipped or exported from thence, for any place or places whatsoever, till such certificate or certificates is or shall be obtained as required by the said act, under the penalty of forty shillings a barrel, and so in proportion for a greater or less quantity, to be recovered of the owner, proprietor, master of the vessel, or the person or persons who shall ship or export the same, and also giving bond to his Majesty, his heirs or successors, in double the amount of the duty, to the satisfaction of the chief officer of the customs for the time being, (who is hereby required and impowered to take the same), at the port or place in the said island where such herrings shall be shipped or put on board, for the truly landing of them at the port or place for which they shall be so shipped or put on board, and if for *Great Britain*, upon paying the duty and making the oath upon the importation thereof; which bond shall be discharged, and given up without fee or reward, upon certificate returned or produced to the chief officer of the customs, for the time being, of the port or place in the said island from whence the said herrings were exported, within twelve months from the date of the said bond, or otherwise it shall and may be lawful for such chief officer of the customs to cause such bond to be put in suit, unless he shall find sufficient cause to forbear the same; which certificate the chief officer of the salt duties, or otherwise of the customs, (in case there shall happen to be no salt officer), at the port or place of importation in *Great Britain*, or any other of his Majesty's dominions, is hereby directed and required to grant, without fee or reward; and if exported to any other place or places out of his Majesty's dominions, then, upon certificate under the common seal of the chief magistrate there, or under the hands and seals of two known *British* merchants, then being at such place or places, that such herrings were there landed; or upon proof, by credible persons, that such herrings, or part thereof, were taken by enemies, perished in the seas, or were otherwise lost or destroyed by any inevitable accident; the examination and proof thereof being left to the judgement of the governor, lieutenant governor, commander in chief, or chief magistrates of the said *Isle of Man*, for the time being.

From Aug. 1, 1785, no herrings caught on the coasts of the Isle of Man, &c. shall be exported from thence, till a proper certificate is obtained, etc.

X. *And whereas* British *salt, delivered duty-free for the curing of fish for foreign markets, is liable to frauds for want of security being given as for foreign salt, when delivered over into the curers sole*

cuſtody at the beginning of the fiſhing ſeaſon; for remedy whereof, be it enacted by the authority aforeſaid, That, from and after the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, on delivering over ſuch ſalt from the joint cuſtody of the officer and proprietor, into the ſole cuſtody of the proprietor or his agent, for the curing of fiſh for exportation, the ſaid proprietor or his agent ſhall give ſecurity (to the ſatisfaction of the chief officer of the ſalt duties in the port or place where ſuch ſalt has been lodged) in double the amount of the duties, that he or they ſhall and will acount for the ſame in the terms of, and according to the true intent and meaning of the ſeveral acts of parliament made in that behalf, in like manner as the curers of fiſh now do for the foreign ſalt delivered into their ſole cuſtody, for curing fiſh for exportation, by virtue of an act made in the eighth year of the reign of his late majeſty King *George* the Second; and that all ſuch ſalt ſhall, upon being delivered into the ſole cuſtody of the proprietor, be weighed over by the ſaid proprietor or his agents in the preſence of the officer for the duties on ſalt, if he ſhall require the ſame, to the end that the quantity of ſalt delivered into the proprietor's ſole cuſtody, and the deficiency (if any) from the quantity before lodged under the joint lock and key of ſuch officer and proprietor, as aforeſaid, may be truly aſcertained, and the real quantity wanting at the re-delivery truly known, making a reaſonable allowance for the waſte for the time the ſaid ſalt has been ſo locked up; and that every fiſh curer, who ſhall neglect or refuſe to weigh over, to the officer for the duties on ſalt, what ſalt ſhall remain unuſed, (in order to adjuſt the quantity uſed), and alſo to lock up the remainder in the joint cuſtody of the officer and proprietor, when thereunto duly required by the ſaid officer, ſhall forfeit the ſum of five hundred pounds, and ſhall never afterwards be permitted to have ſalt duty-free for the curing of fiſh, or be concerned with any other or others as a curer of fiſh; and that no ſalt whatſoever, after the ſame has been delivered into the ſole cuſtody of the curer of fiſh for foreign markets, ſhall be delivered over to any other perſon for the curing of fiſh, nor ſhall be removed from the place where lodged to any other place for curing fiſh, without giving notice to the officer, and having a warrant from him for removing the ſame, upon pain of forfeiting the ſum of fifty pounds, by the proprietor or owner of the ſalt, or the perſon removing the ſame; and that no perſon whatſoever ſhall be deemed or taken to be a curer of fiſh, ſo as to intitle him to have any ſalt delivered into his ſole cuſtody duty-free, for the curing fiſh for foreign markets, who has not a warehouſe, ſtorehouſe, or other proper place, wherein the ſalt may be ſecurely lodged under the lock and key of the officer for the duties on ſalt, as well as the ſaid proprietor, as the law directs.

From Aug. 1785, on delivery of ſalt duty-free to curers for foreign markets, ſecurity ſhall be given to the ſatisfaction of the officer.

Such ſalt to be weighed in preſence of the officer.

Salt delivered to fiſh curers, not to be removed without a warrant from the officer.

XI. *And, for the better and more impartial trial of any indictment or information, which ſhall at any time hereafter be found, commenced or proſecuted for any aſſault made or committed upon any of the*

the officers of the salt duties, or any other person or persons acting in their aid; be it further enacted by the authority aforesaid, That every such offence shall and may be enquired of, examined, tried, and determined, in any county within that part of the kingdom of *Great Britain* called *England*, in such manner and form as if the said offence had been therein committed. Indictments for assaults on officers may be tried in any county.

XII. *And whereas it hath been found, by experience, that the bailiffs and other officers, having the execution of process in the several counties, cities, and liberties of this kingdom, often hold correspondence with the persons guilty of offences contrary to the laws or statutes relating to the duties on salt, or other duties under the management of the commissioners for the duties on salt, and give them notice when any writ or process issues against them, whereby they escape from justice*; for remedy thereof, be it further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, where any writ of *capias*, or other process, shall issue out of any court, directed to any sheriff, mayor, bailiff, or other person having the execution of process in any county, city, or liberty, against any person who shall be guilty of, or prosecuted for any offence whatsoever, contrary to any of the laws or statutes now in being, or hereafter to be made, relating to his Majesty's said duties on salt, or any other duties under the management of the commissioners for the said duties on salt, every such sheriff, mayor, or bailiff, and other persons having execution of process as aforesaid, and their and every of their under sheriffs, deputies, and other persons acting for them in the said office and offices respectively, shall and are hereby enjoined and required, upon the request or application of the known sollicitor for the duties on salt, (such request to be in writing indorsed upon the back of the said process, and signed by such sollicitor), to grant a special warrant or warrants to such person or persons as shall be named to them by such sollicitor, for the apprehending such offender and offenders; or, in default thereof, every such sheriff, mayor, bailiff, under sheriff, and other person acting in the said office or offices respectively, shall be subject and liable to such process of contempt, fines, amerciaments, penalties, and forfeitures, as they, or any of them, are now by any law, custom, or usage, liable to in case of refusing or neglecting to execute the like process, where the defendant might have been taken thereupon, in the common and usual method of proceeding. From Aug. 1, 1785, when writs of capias, etc. are issued against offenders relative to the salt duties, a special warrant shall be granted for apprehending them. Penalty on sheriffs, etc. making default.

XIII. *And whereas it has been doubted where the commissioners for the duties on salt, and justices of the peace, have respectively issued out any summons for the appearance of persons offending against, or for forfeitures incurred by the laws relative to the duties on salt, or any other law under the management of the commissioners for the said duties on salt, which hath been left at the house or usual place of residence, or with the wife, child, or menial servant of such persons, whether the same should be deemed and adjudged a good and sufficient summons, and as legal and effectual a notice as if the same had*

been

Summonses for the appearance of offenders, left at their place of abode, etc. to be deemed legal notice.

been actually delivered to the proper hands of such person or persons to whom the same was or were directed: now, in order to put an end to such doubt, be it hereby enacted by the authority aforesaid, That every such summons, so left as aforesaid, shall be deemed to be a good and sufficient summons, and as legal and effectual a notice as if the same had been actually delivered to the proper hands of such persons to whom the same was by name directed.

Summonses relative to the salt duties, left at the house, shop, etc. as effectual notice as if delivered to the party, etc.

XIV. And, for the future, it is hereby enacted, That in all cases relating to the duties on salt, or to any of the other duties which now are, or hereafter may be under the management of the commissioners of the said duties on salt, the leaving such summons at the house, workhouse, warehouse, boiling house, hot house, salt crib, shop, cellar, vault, or usual place of residence of such person or persons, directed to such person or persons, by his, her, or their right or assumed name or names, shall be deemed to be, and is hereby declared to be as legal and effectual a notice and summons, to all intents and purposes, as if the same was personally given or delivered to or into the hands of the party or parties for whom the same shall be designed, and as if the same was directed to the party or parties to and for whom the same shall be designed, by his, her, or their proper name or names.

Clause relative to actions for recovery of goods seized by virtue of any act relating to salt duties.

XV. And be it further enacted by the authority aforesaid, That in case any information or suit shall be commenced and brought to trial, on account of the seizure of any salt, fish, or other goods whatsoever, or the package thereof, seized as forfeited by any act or acts of parliament now in force, or hereafter to be made, relating to his Majesty's duties on salt, or any other duties under the management of the commissioners for the said duties on salt, or of any ship, vessel, or boat, or of any horses or other cattle, or of any carriages used or employed in removing or carrying the same, wherein a verdict shall be found for the owner or claimer thereof, and it shall appear to the judge or court, before whom the said action or information shall be tried, that there was a probable cause of seizure, the judge or court, before whom the same shall be tried, shall certify on the record, that there was a probable cause for the seizing the said salt, fish, goods, package, ships, vessels, boats, horses, or other cattle or carriages, as the case may be; and in such case the claimant or owner shall not be intitled to any costs of suit whatsoever, nor shall the person who seized the said salt, fish, goods, or package, or the said ships, vessels, or boats, or the horses, or other cattle or carriages, be liable to any action, indictment, or other suit or prosecution, on account of such seizure; and that in case any action, indictment, or prosecution, shall be commenced and brought to trial against any person or persons whatsoever, on account of the seizure of any such salt, fish, goods, or package, or of any ships, vessels, boats, horses, or other cattle or carriages, used and employed in removing or carrying the same, wherein a verdict shall be given against the defendant or defendants,

defendants, if the court or judge, before whom ſuch action, indictment, or proſecution, ſhall be tried, ſhall certify, on the ſaid record, that there was a probable cauſe for ſuch ſeizure, then the plaintiff, beſides the thing ſo ſeized, or the value thereof, ſhall not be intitled to above two-pence damages, nor to any coſts of ſuit, nor ſhall the defendant, in ſuch proſecution, be fined above one ſhilling.

XVI. *And, for the more effectual preventing vexatious ſuits againſt the officers for the ſalt duties, and their aſſiſtants, acting under the authorities and powers to them given by the ſeveral ſtatutes made, or hereafter to be made, for ſecuring the duties on ſalt and rock ſalt, or any other duties under the management of the commiſſioners for the duties on ſalt*, be it further enacted by the authority aforeſaid, That, from and after the firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, no writ ſhall be ſued out againſt, nor a copy of any proceſs ſerved upon any officer or officers for the ſalt duties, or againſt any perſon or perſons acting by his or their order, and in his or their aid, for any thing done in the execution of, or by reaſon of his or their office, until one calendar month next after notice in writing ſhall have been delivered to him, or left at the uſual place of his abode, by the attorney or agent for the party who intends to ſue out ſuch writ or proceſs as aforeſaid; in which notice ſhall be clearly and explicitly contained the cauſe of action, the name and place of abode of the perſon who is to bring ſuch action, and the name and place of abode of the ſaid attorney or agent, and that a fee of twenty ſhillings ſhall be paid for the preparing and ſerving of every ſuch notice, and no more.

From Aug. 1, 1785, no writ ſhall be ſued out againſt any officer for ſalt duties, for executing his office, until after a month's notice.

XVII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any of the ſaid officers, or other perſons acting in their aid, to whom ſuch notice ſhall be given as aforeſaid, at any time, within one calendar month after ſuch notice ſhall have been given, to tender amends to the party complaining, or to his or her agent or attorney, and in caſe the ſame is not accepted, to plead ſuch tender in bar to any action to be brought againſt him grounded on ſuch writ or proceſs, together with the plea of not guilty, and any other plea, with leave of the court; and if, upon iſſue joined thereon, the jury ſhall find the amends ſo tendered to have been ſufficient, then they ſhall give a verdict for the defendant or defendants; and in ſuch caſe, or in caſe the plaintiff ſhall become nonſuited, or diſcontinue his or her action, or in caſe judgement ſhall be given for ſuch defendant or defendants upon demurrer, then ſuch defendant or defendants ſhall be intitled to the like coſts, as he would have been intitled to in caſe he had pleaded the general iſſue only; and if upon iſſue ſo joined, the jury ſhall find that no amends were tendered, or that the ſame were not ſufficient, and ſhall alſo find againſt the defendant or defendants in ſuch other plea or pleas, then they ſhall give a verdict for the plaintiff, and ſuch damages as they ſhall think proper, together with his or her coſts of ſuit.

Officer, within a month after ſuch notice, may tender amends, etc.

XVIII. Provided

No evidence of the cause of action to be produced, except that contained in such notice.

XVIII. Provided always, and be it further enacted by the authority aforesaid, That no plaintiff, in any case where an action shall be grounded on any act done by the defendant, shall be permitted to produce any evidence of the cause of such action, except such as shall be contained in the notice to be given as aforesaid, or shall recover any verdict against such officer or persons acting in his aid, unless he shall prove, on the trial of such action, that such notice was given, and that in default of such proof, the defendant in such action shall recover a verdict and costs as aforesaid.

Defendant allowed to pay money into court.

XIX. And be it further enacted by the authority aforesaid, That in case such officer, or others acting in his aid, shall neglect to tender any amends, or shall have tendered insufficient amends, before the action brought, it shall and may be lawful for him or them, by leave of the court where such action shall be brought, at any time before issue joined, to pay into court such sum of money as he or they shall see fit, whereupon such proceedings, orders, and judgements shall be had, made, and given, in and by such court, as in other actions where the defendant is allowed to pay money into court.

Limitation of actions.

XX. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons for any matter or thing done by any officer or officers for the salt duties, or any others acting in his or their aid, in execution of, or by reason of his or their office, such action or suit shall be brought or commenced within three months next after the cause of action shall arise, and not afterwards, and shall be laid and tried in the county or place where the facts were committed, and not in any other county or place; and the defendant or defendants shall and

General issue.

may plead the general issue, and give the special matter in evidence, at any trial to be had thereupon; and if the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or suit, or if, upon a verdict or demurrer, judgement shall be given against the plaintiff or plaintiffs, the de-

Treble costs.

fendant or defendants shall and may recover treble costs, and have such remedies for the same, as any defendant or defendants can or may have in other cases where costs are given by law.

In actions brought relative to seizures, proof of payment of duties to lie on the claimer.

XXI. And be it further enacted by the authority aforesaid, That if any salt, fish, or other goods, liable to the duties on salt, or any other duties under the management of the commissioners for the said duties on salt, shall be seized by virtue of, or in pursuance of any act or acts of parliament now in force, or hereafter to be made; or if any action shall be brought by the owner or claimer of any such salt, fish, or other goods, against any officer or officers for the salt duties, or any person acting in their assistance, for any thing done in pursuance of any such act or acts, the proof of the payment of the said duties upon such salt, fish, or other goods so seized, shall lie upon the owner or claimer of such salt, fish, or other goods, and not on

the

the person who seized the same, or against whom such action shall be brought.

XXII. And be it further enacted by the authority aforesaid, That if any person or persons shall obstruct, assault, resist, oppose, molest, or hinder any officer or officers of the salt duties in the execution of his or their office, or in the execution of any of the several powers and authorities given or granted to such officers by this or any other act now in force, or hereafter to be made; or shall beat or abuse the said officers, or any of them, in the execution of their office; every person or persons so offending shall severally forfeit and lose, for every such offence, the sum of one hundred pounds.

Penalty on obstructing officers.

XXIII. And be it further enacted by the authority aforesaid, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, upon the entry of any claim to any horses or other cattle, or to any carriages, or to any ship, boat, or other vessel, or to any salt, fish, or other goods, or the package thereof, or to any other thing whatsoever, seized for any cause of forfeiture, by virtue of any act or acts of parliament now in force, or hereafter to be made, relating to the duties on salt, or any other duties under the management of the commissioners for the salt duties, the person or persons who shall enter the claim, as the owner or owners, proprietor or proprietors thereof (in case such claimant shall reside in the kingdom of *Great Britain*), shall be bound, with two other sufficient securities, in the penalty of one hundred pounds, to answer and pay the costs occasioned by such claim; and if such owner or proprietor shall not reside in *Great Britain*, then, and in such case, the attorney or sollicitor, by whose direction such claim shall be entered, shall, in like manner, be bound with two other sufficient securities, in the like penalty, to answer and pay the costs occasioned by such claim, any law, custom, or usage, to the contrary notwithstanding.

From Aug. 1, 1785, claimants of goods seized by virtue of any salt act, to enter into bond to pay costs, &c.

XXIV. *And whereas, by the several regulations hereby established, and by the reduction in the allowances granted by former acts of parliament, the produce of the several and respective duties on salt will be much increased*; be it therefore enacted, That a just and reasonable proportion shall be taken by the cashier of the said salt duties, out of the monies that shall arise and come to his hands, for the respective duties granted by the before recited acts of the twenty-sixth year of the reign of his late majesty King *George* the Second, and of the twentieth and twenty-second years of the reign of his present Majesty; and he the said cashier shall set apart, and pay into the receipt of his Majesty's exchequer, the annual sum of twelve thousand pounds, by payments of three thousand pounds each quarter; *videlicet*, on or before the tenth day of *October*, the fifth day of *January*, the fifth day of *April*, and the fifth day of *July*, in every year, the first quarterly payment to be paid for the quarter which will end the tenth day of *October*, one thousand seven hundred and eighty-five; and such quarterly sum and sums of three thousand pounds, so

A just proportion of the salt duties to be taken for the duties granted by the former acts.

12,000l. to be paid annually into the exchequer,

and entered ſeparate from all other monies.

ſo to be paid into the ſaid receipt of the exchequer, ſhall be entered and kept diſtinct and apart from all other monies paid and payable to his Majeſty, his heirs and ſucceſſors; and ſhall, together with ſuch other rates, duties, and revenues, as are or ſhall be granted by any act or acts of this ſeſſion of parliament,

Application thereof.

be a fund for the payment of the ſeveral annuities, and all ſuch other charges and expences as are directed to be paid and payable, purſuant to an act of this preſent ſeſſion of parliament, (intituled, *An act for granting annuities to ſatisfy certain navy, victualling, and tranſport bills, and ordnance debentures.*)

Penalties and forfeitures how to be recovered and applied.

XXV. And be it further enacted by the authority aforeſaid, That all fines, penalties, and forfeitures, by this act impoſed, and all other fines, penalties, and forfeitures, by any former act impoſed or hereafter to be impoſed, relating to the duties on ſalt, or any other duty now or hereafter to be under the management of the commiſſioners for the duties on ſalt, ſhall be ſued for, levied, recovered, or mitigated, by ſuch ways, means, and methods, as any fine, penalty, or forfeiture, is or may be recovered or mitigated by any law or laws of exciſe, or ſalt duties, now in being, or hereafter to be made reſpectively; and that no appeal or writ of *certiorari* ſhall be allowed upon any judgement or conviction in any penalty or forfeiture inflicted, either by this or any other act made or to be made relating to the duties on ſalt, or any other duties under the management of the commiſſioners for the ſalt duties, or by any action of debt, bill, plaint, or information, in any of his Majeſty's courts of record in *Great Britain*, wherein no eſſoin, protection, privilege, or wager of law, ſhall be allowed, or more than one imparlance; any law or ſtatute to the contrary in anywiſe notwithſtanding; and that one moiety of every ſuch fine, penalty, and forfeiture, (not otherwiſe directed by any former act) ſhall be to his Majeſty, his heirs and ſucceſſors, and the other moiety to him or them who ſhall diſcover, inform, or ſue for the ſame.

Defendants may plead the general iſſue,

XXVI. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall be ſued, moleſted, or proſecuted, for any thing done by virtue or in purſuance of this or any other act now in force, or hereafter to be made, relating to the duties on ſalt, or other duties under the management of the commiſſioners for the duties on ſalt, ſuch perſon or perſons ſhall and may plead the general iſſue, and give this act, or ſuch other act, and the ſpecial matter in evidence, in his or their defence or defences; and if afterwards a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs ſhall diſcontinue his or their action or actions, or be nonſuited, or judgement ſhall be given againſt him, her, or them, upon demurrer

and recover treble coſts.

or otherwiſe, then ſuch defendant or defendants ſhall have treble coſts awarded to him or them againſt any ſuch plaintiff or plaintiffs.

XXVII. *And whereas many perſons, having incurred heavy penalties by reaſon of offences committed againſt the laws for collecting and ſecuring the duties on ſalt, and on account of foreign and* Britiſh *ſalt*

salt delivered duty-free for the fisheries, are deterred from renouncing their evil courses, through fear of being discovered by some of their associates, and thereby subjected to prosecution: and whereas it is expedient to extend a pardon and indemnity to persons under the aforesaid circumstances; be it therefore enacted, That no prosecution, by bill, plaint, information, or action of debt, shall be commenced for any pecuniary penalty or forfeiture incurred by reason of any offence committed, by any person or persons, against any of the provisions of any act or acts for collecting and securing the duties under the management of the commissioners of the salt duties, committed before the first day of *June*, one thousand seven hundred and eighty-five, but that the said penalties and forfeitures be wholly pardoned and released.

All persons indemnified for offences committed relative to salt duties, before June 1, 1785.

CAP. LXIV.

An act for altering and amending an act, made in the last session of parliament, intituled, An act for granting to his Majesty certain duties on all gold and silver plate imported, and also certain duties on all gold and silver wrought plate made in *Great Britain*.

WHEREAS *by an act, made in the twenty-fourth year of the reign of his present Majesty, intituled,* An act for granting to his Majesty certain duties on all gold and silver plate imported, and also certain duties on all gold and silver wrought plate made in *Great Britain*, *after reciting, That gold and silver wares, when sent to be marked and assayed, were sent in so rude and rough a state, that the same in the finishing were greatly lessened in weight, it was enacted, That the person appointed by the several companies, or assay offices, to take and receive the monies and duties directed by the said act, should, where such plate was sent to be marked and assayed in the same rude and rough state as theretofore had been usual, make a deduction of one fifth from the weight, and an allowance of one fifth part of the duty imposed by the said act, to the person or persons bringing the same: and whereas doubts have arisen upon the construction of the words* rude and rough state as theretofore had been usual, *the manufacturers having been accustomed, time immemorial, to send in their work in various states to the assay offices to be marked and assayed, and great inconveniences and disputes frequently arise between the manufacturers and assay officers, on the construction of the said words:* for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twenty-fourth day of *July*, one thousand seven hundred and eighty-five, the person appointed by the said companies or assay offices to take and receive the monies and duties directed by the said act, where such plate is sent to be marked in any unfinished state, so that a diminution in the weight thereof must necessarily remain to be made by the worker or manufacturer thereof, before the

Preamble.

Recital of 24 Geo. 3. c. 53.

From July 24, 1785, the person appointed to receive the duties payable for marking of plate, may make an allowance of

1-6th part of the duty for all plate brought in an unfiniſhed ſtate.

the ſame ſhall be finiſhed, ſhall, in reſpect of ſuch diminution as aforeſaid, make a deduction of one ſixth part from the weight, and an allowance of one ſixth part of the duty impoſed by the ſaid act, to the perſon or perſons bringing the ſame, inſtead of one fifth part, as by the ſaid recited act is directed; and ſhall, at the bottom of the note or memorandum, by the ſaid act directed to be kept and filed, expreſs the deduction from the weight, and the allowance of the duty accordingly, as in and by the ſaid act was directed.

Two clauſes in the act of laſt ſeſſion recited,

II. *And whereas by the ſaid recited act it was alſo enacted, That, in caſe any perſon or perſons whatſoever ſhould, at any time or times after the firſt day of* December, *one thouſand ſeven hundred and eighty-four, during the continuance of the duties by the ſaid act impoſed upon wrought plate, or manufactures of gold and ſilver, export, by way of merchandize, for any foreign parts, any plate of gold or ſilver, wrought or manufactured in this kingdom, which by the ſaid act is charged or chargeable with the reſpective duties of eight ſhillings* per *ounce, and ſixpence* per *ounce, and the ſame ſhould appear to have been made and marked as aforeſaid, after the firſt day of* December, *one thouſand ſeven hundred and eighty-four, and the duty thereby directed ſhould have been paid thereon; and ſhould give ſufficient ſecurity, before the ſhipping thereof for exportation, that the particular quantities of ſuch plate or manufactures of gold and ſilver, intended to be exported as aforeſaid, and every part thereof, ſhould not be relanded or brought again into* Great Britain, *and ſhould make proof, upon oath, that the ſame gold or ſilver plate or manufactures were actually made and marked as aforeſaid, after the ſaid firſt day of* December, *one thouſand ſeven hundred and eighty-four; and ſhould alſo produce or deliver to ſuch cuſtomer or collector a certificate under the hand of the perſon to whom ſuch wrought plate or manufactures of gold and ſilver were conſigned, certifying that the ſame had been received, and mentioning the weight and particular ſpecies of plate ſo conſigned and received, the name of the perſon conſigning the ſame, the name of the veſſel, and the name of the captain commanding ſuch veſſel, and the port of* Great Britain *from which the ſaid veſſel was cleared, and the port to which ſuch veſſel was bound; and ſhould alſo, where the drawback ſhould amount to five pounds, and upwards, authenticate ſuch certificate by notarial act in writing, and where the ſame could not be done by a notarial act, then the ſame ſhould be authenticated under the hand and ſeal of the chief magiſtrate of the city, town, or place, where ſuch wrought plate or manufacture of gold and ſilver ſhould be received; that then the ſaid cuſtomer or collector ſhould give to the exporter thereof a debenture, expreſſing the true kinds and quantities of ſuch plate and manufactures of gold or ſilver ſo exported, or ſhipped to be exported; and the exportation or ſhipping thereof being certified by the ſearcher upon the ſaid debenture, the collector or receiver of the ſaid duty on plate, upon the ſaid debenture ſo certified being produced to him, ſhould forthwith pay a drawback or allowance after the rate of eight ſhillings for every ounce* Troy *on gold, and ſixpence for every ounce* Troy *on ſilver plate or manufacture, out of the money in his hands, in the*

manner in the ſaid act particularly mentioned and ſet forth: and whereas the great delay in with-holding the drawback, in caſes where ſuch plate or manufacture of gold and ſilver is wanted to be exported to the East *and* West Indies, *and to other diſtant parts, until the certificate, directed in the ſaid recited clauſe, can be procured from the perſons to whom ſuch wrought plate is conſigned, tends greatly to impede the exportation of gold and ſilver manufactured plate to foreign parts, and is very injurious to the manufacturers thereof: and whereas by the ſaid recited act it was alſo further enacted, That all wrought gold and ſilver plate, which ſhould be intended to be exported from this kingdom into any foreign parts, ſhould, before the ſame was ſhipped, be brought to the aſſay office, and ſhould there be ſtamped with the figure of a* Britannia, *in order to denote that ſuch plate was intended for exportation, and to be allowed the drawback thereon: and whereas the ſtriking the* Britannia *mark on many articles of wrought gold and ſilver plate, in their finiſhed ſtate, can in no way be practiſed without doing material damage to ſuch wrought plate;* be it therefore enacted, That, from and after the twenty-fourth day of *July*, one thouſand ſeven hundred and eighty-five, the ſaid two laſt recited clauſes in the ſaid act contained, and each of them, ſhall be, and the ſame are hereby reſpectively repealed. and repealed.

III. *And, in order to prevent any injury to the manufacturers of gold and ſilver plate, and for the better encouragement of the exportation thereof,* be it enacted, That in caſe any perſon or perſons whatſoever ſhall, at any time or times after the twenty-fourth day of *July*, one thouſand ſeven hundred and eighty-five, during the continuance of the duties by the ſaid recited act impoſed upon wrought plate, or manufactures of gold and ſilver, exported by way of merchandize, for any foreign parts, any plate of gold or ſilver, wrought or manufactured in this kingdom, which, by the ſaid recited act, is charged or chargeable with the ſaid reſpective duties of eight ſhillings *per* ounce, and ſixpence *per* ounce, and the ſame ſhall appear to have been made or marked as aforeſaid, after the ſaid firſt day of *December*, one thouſand ſeven hundred and eighty-four, and the duties thereby directed ſhall have been paid thereon, and ſhall give ſufficient ſecurity, before the ſhipping thereof for exportation, that the particular quantities of ſuch plate, or manufactures of gold or ſilver, intended to be exported as aforeſaid, and every part thereof, ſhall not be re-landed or brought again into *Great Britain*; and ſhall make proof, upon oath, that the ſame gold or ſilver plate, or manufactures, were actually made or marked as aforeſaid, after the time in the ſaid recited act mentioned, which ſecurity ſhall be taken in the King's name, and to his uſe, and the oath or oaths adminiſtered by the cuſtomer or collector of the reſpective port of ſuch exportation, without fee or reward; that then, and in every ſuch caſe, and without the production of any ſuch certificate, or notarial or other act in writing, as in the ſaid act is mentioned, the ſaid cuſtomer or collector ſhall give to the exporter thereof a debenture, expreſſ- Clauſe for the encouragement of the exportation of gold and ſilver plate.

ing the true kinds and quantities of such plate and manufactures of gold or silver so exported, or shipped to be exported; and the exportation or shipping thereof being certified by the searcher upon the said debenture, the collector or receiver of the said duty upon plate, at the several assay offices where the same were marked and assayed, shall, upon the said debenture, so certified, being produced to him, forthwith pay a drawback or allowance, after the rate of eight shillings *per* ounce *Troy*, and proportionably for any greater or less quantity of such plate, or manufacture of gold; and after the rate of sixpence for every ounce *Troy*, and proportionably for every greater or less quantity of such plate, or manufacture of silver, out of the money of the said duties on plate, or manufactures of gold and silver, then in the hands of the said receiver or collector, without fee or reward; and if the said collector or receiver shall not have money in his hands to pay any such debenture, then the receiver general of the stamp-duties for the time being, is hereby required to pay, or cause to be paid, the said debenture, out of the duties arising by this act, any thing herein contained to the contrary notwithstanding.

Gold and silver watches, how to be marked.

IV. And be it further enacted, That the exporters of gold and silver watches shall mark or engrave in the inside of every case or box of each watch, inclosing the works thereof, the same numbers and figures which shall be respectively marked or engraved on the works of the watch which shall be inclosed in such case or box.

Bonds to remain in force until the particulars herein mentioned shall be complied with.

V. *And, the better to prevent the fraudulent relanding of any plate in this kingdom, after the drawback has been paid and allowed for the same*, it is hereby further enacted by the authority aforesaid, That all securities and bonds, required to be taken as aforesaid, shall continue and remain in force, until every such exporter of any wrought plate, or manufactures of gold and silver, shall produce and deliver to such customer or collector the bill of lading thereof, and which shall have at the foot the receipt of the master of the vessel on board of which the said plate or manufactures were shipped, and also a receipt or certificate, on the back of such bill of lading, under the hand of the person to whom such wrought plate or manufactures of gold and silver were consigned, certifying or acknowledging that the same have been received, and mentioning in such receipt or certificate the true kinds and quantities of plate so consigned and received, and the name of the person consigning the same; and also, if such plate shall consist of watches, the numbers or figures marked or engraved in the inside of the case or box of each such watch, that then such securities and bonds shall and may be delivered up and cancelled.

Bonds to be cancelled upon the loss of any vessel exporting such goods.

VI. Provided always, and be it further enacted, That where the ship or vessel, on board of which such plate, or manufactures of gold and silver, or watches, were shipped, shall be lost, or shall not, within the space of three years, return to any port in

in *Great Britain*; upon due proof thereof being made to the customer or collector at the port at which the said drawback was received, and the said bonds given, the said customer or collector shall deliver up to such exporters their securities and bonds, so given by them, in order that the same may be cancelled, if no fraud therein shall in the mean time have appeared, or no prosecution thereon shall have been commenced.

CAP. LXV.

An act for the further encouragement of the British *fisheries.*

Preamble.

WHEREAS *the extending and improving of the* British *fishery hath been frequently declared by parliament to be of great importance to this kingdom, inasmuch as it not only adds considerably to the national wealth, but is moreover a fruitful nursery of able seamen for the publick service: and whereas, by an act passed in the eleventh year of the reign of his present Majesty, intituled,* An act for the encouragement of the white herring fishery, *a bounty of thirty shillings* per *ton is made payable annually to the owner or owners of all decked busses or vessels, from twenty to eighty tons burthen, fitted out and employed in the said fisheries, for the space or term of seven years, from and after the twenty-second day of* October, *one thousand seven hundred and seventy-one, and to the end of the then next ensuing session of parliament, in the manner, and under the regulations therein mentioned: and whereas, by an act passed in the nineteenth year of his said Majesty's reign, for continuing and amending the said act, it was enacted, That the said former act should, from and after the term in the said former act mentioned, be continued for and during the further term of seven years, and from thence to the end of the then next session of parliament: and whereas it might tend to the encouragement of the said fishery, by inducing a greater number of persons to engage therein, if the said bounty were extended, under certain restrictions, to the owners of decked busses or vessels of a greater burthen than eighty tons:* may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first *day of August*, one thousand seven hundred and eighty-five, the said bounty of thirty shillings *per* ton shall, during the continuance of the term for which the same was so granted, be extended to, and be payable and paid to the owner or owners of, all decked busses or vessels, of what burthen soever the same may be, other than and except decked busses or vessels under twenty tons burthen, which shall be in all respects (save only in respect to their burthen or tonnage) built, fitted out, visited, and licensed, according to the directions of the said last mentioned act, and shall be manned, victualled, furnished, and accoutred, in proportion to their respective rates of tonnage, in the manner by the said act prescribed for the manning, victualling, furnishing, and accoutring

11 Geo. 3. c. 31.

19 Geo. 3. c. 26.

From Aug. 1, 1785, the bounty of 30s. per ton extended to all decked vessels, except under 20 tons burthen.

ring busses and vessels of a burthen not exceeding that of eighty tons: provided nevertheless, that no owner or owners shall be intitled to the said bounty for more than eighty tons, upon or in respect of any buss or vessel, although such buss or vessel shall exceed that burthen.

Preamble, relative to places of rendezvous appointed by former acts.

II. *And whereas, in and by the said recited act of the eleventh year of his present Majesty's reign, certain times and places are appointed for the rendezvous of all decked busses and vessels employed in the said fishery, and certain oaths are thereby also directed to be taken by the owner and master, or chief officer of every such buss or vessel, before the collector or comptroller of the port of her clearance outwards, previous to the departure of such buss or vessel, and by the said master or chief officer, after her return to such port as aforesaid, in order to her discharge, as well in respect to her being at one of the said places of rendezvous, as in respect to several other matters therein specified: and whereas by the said act, made in the nineteenth year of his present Majesty's reign, for continuing and amending the said former act, the times of rendezvous were altered, and other places of rendezvous were added to those appointed by the said former act: and whereas the compelling busses and vessels, employed in the said fishery, to rendezvous at the places, and within the times, in and by the said act appointed and limited for that purpose respectively, has been found extremely inconvenient, and injurious to the owners of such vessels, and to the persons employed therein, and is a great discouragement to the fishery*; be it therefore further enacted,

Part of the said acts repealed.

That so much, and such parts of the said two severally recited acts, as direct that any decked buss or vessel shall proceed to or be at any of the places of rendezvous, in and by the said acts for that purpose appointed, and also so much and such parts of the said recited act of the eleventh year of his present Majesty's reign, as direct that the owner or master, or chief officer of any such vessel, shall make such several oaths as are therein prescribed, shall be, and the same are hereby repealed; and that, instead thereof,

Owner, etc. to be sworn before clearance outwards.

the owner or owners, and master or chief officer of the vessel shall, before her clearance, take and subscribe an oath, before the collector or comptroller of the port of clearance outwards, in the following form; that is to say,

The oath.

I A. B. *do swear, That it is really and truly my firm purpose and determined resolution, that the buss or vessel, now lying in the port of called* (specifying the names of the port and vessel,) *as now manned, furnished, and accoutred, shall proceed immediately upon the* British *white herring fishery, there to continue fishing, in an orderly regular manner, for the space of three months at the least, (unless she shall have sooner completed her full loading of fish,) without impeding or obstructing any other vessels which shall be employed in the said fishery.*

So help me GOD.

And that the master, or chief officer of the vessel, after her return to port in order to her discharge, shall likewise take and subscribe

subscribe the following oath, before the said collector or comptroller; that is to say,

Oath to be taken by the master after return into port.

I A. B. *do swear, That the buss or vessel, called the* (specifying the names of the vessel and port,) *now lying in the port of did, without delay proceed from the said port, upon her last clearance from thence outwards, to or upon the* British *white herring fishery, and did there remain and continue employed in fishing for herrings, or other fish, according to law; and that during all that time, the quantity of nets and other stores, and number of men by law in that behalf, required were on board the said buss or vessel, or were employed in the lawful prosecution of the said fishery; and that the said buss or vessel hath not, since her said last clearance outwards from the said port, been on any other voyage, or pursued any other design or view of profit than that of taking fish, and salting or curing the same, or salting or curing other fresh fish lawfully purchased at sea; and that all the fish brought into port by the said buss or vessel, were taken by the crew belonging thereto;* [and in case of the buss or vessel not returning till after the expiration of three months, the following words are to be added to the said oath, (videlicet,) *or were purchased of* British *subjects.*]

So help me GOD.

From Aug. 1, 1785, all decked vessels, on compliance with certain conditions, shall be intitled to the bounty of 30s. per ton.

III. And be it further enacted, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, the owners or masters of any decked busses or vessels, being built, manned, victualled, furnished, accoutred, stored, fitted out, and licensed in the manner required by the said recited act of the eleventh year of his present Majesty's reign, and which shall clear out of any port of *Great Britain* at any time or times between the first day of *June* and the first day of *October*, and shall proceed immediately upon the white herring fishery, and shall there begin and continue to fish, according to the regulations of the said last mentioned act, and of this present act, without returning into port for the space of three calendar months, to be computed from the day upon which such owners or masters respectively first shot or wetted their nets, or shall return into port within that space of time with a full cargo of fish, taken wholly by the crew of such buss or vessel, shall be intitled to the said bounty of thirty shillings *per* ton; any thing in the said two severally recited acts, or either of them, contained to the contrary notwithstanding.

Regulations relative to cod, ling, and hake.

IV. And be it further enacted, That in case the crew of any buss or vessel, employed in the said white herring fishery, shall, during the time of their continuance at sea, catch any cod, ling, or hake, it shall and may be lawful to and for such crew to take and use, for the salting or curing of such cod, ling, or hake, a sufficient quantity of the salt on board of such buss or vessel, for which they shall be intitled to the same allowance as if the same had been consumed in the salting or curing of her-

rings, but so as nevertheless that no bounty shall be allowed on the exportation of such cod, ling, or hake; and to that intent all such cod, ling, and hake shall, on the landing thereof, and before the same shall be removed from shore, have part of the tail cut off in the presence of the collector or comptroller of the port, that it may be known that the owners of the fish so marked are not intitled, in respect thereof, to any bounty upon the exportation of the same; and the said collector or comptroller is hereby impowered and required to cut off, or cause so to be in his presence, part of the tail of all such cod, ling, and hake, on the landing thereof; and if any of such cod, ling, or hake, shall be landed or removed from the shore before the same shall be tendered to the said collector or comptroller to have part of the tail cut off as aforesaid, all the fish so landed or removed shall be forfeited, together with double the value thereof, to be recovered of the importer of such fish, or of the proprietor or master of the vessel.

Owners of decked vessels may purchase, at sea, fresh herrings, etc. from British subjects.

V. And be it further enacted, That it shall and may be lawful to and for the owners or chief officers of any decked busses or vessels, employed in the said fishery, to purchase in any part of the seas, or other waters where such fish are to be found, any quantity or quantities of fresh and unsalted herrings, cod, ling, or hake, from or out of any boat or boats belonging to *British* subjects; and also to ship any quantity of fish, as well what they shall catch or take, as what they shall so purchase on board of any other *British* vessel or vessels; and that the owner or owners, or chief officer or officers, of such last-mentioned vessel or vessels shall be at liberty to enter and land the fish so shipped on board thereof, in any port or ports of *Great Britain*, in such and the same manner as the owners or chief officers of the busses or vessels, out of which the same shall be so shipped, could or might have lawfully done; oath being taken and subscribed, by the owner or chief officer of each respective vessel bringing such fish into port, before the collector or comptroller of the port where the same shall be entered, specifying the sorts of fish, and the respective quantities of each sort, together with the name or names of the bus or vessel, busses or vessels, from which the said fish were shipped, and of the respective master or chief officer thereof, and of the port or ports from whence the said bus or vessel, busses or vessels, was or were cleared; and also that such fish were, according to the best of his knowledge and belief, caught and salted, or caught and cured, as the case may be, by *British* subjects; and the collector or comptroller of the port, at which such fish shall be so entered and landed, shall, upon demand, deliver *gratis*, to any of the owners of such fish, a certificate under his hand and seal, specifying the particulars of the same, and the salting or cure thereof; which certificate shall be admitted as proof of the consumption of the salt used in the salting or curing of such fish, as the case may be.

Particulars to be sworn to on landing thereof.

VI. Provided always, That no owner or owners of any bus or

or vessel, which shall return into port from the said fishery, within the said space of three calendar months, to be computed from the day whereon the nets belonging to such buss or vessel were first shot or wetted, without a full cargo of herrings; or having a full cargo, unless the whole of such cargo was *bona fide* caught and taken by the crew belonging to such buss or vessel, shall be intitled to any bounty in respect of the tonnage of such buss or vessel; any thing herein, or in any other act, contained to the contrary notwithstanding.

Vessels returning into port within three months, without a full cargo, not intitled to bounty.

VII. *And, for reviving and encouraging the cod fishery in the north seas and* Iceland, *and that the same may be carried on with success*, be it further enacted, That the master of any boat or vessel, bound on a fishing voyage to the said north seas or *Iceland*, shall, from and after the first day of *August*, one thousand seven hundred and eighty-five, be allowed to take from any salt works or salt pits, any quantity of *British* salt for the salting or curing of fish, without paying any duty for the same, such salt being weighed at the salt pit or salt works in the presence of an officer for the duties upon salt, and being lodged in a warehouse under the lock and key of the said officer, as well as of the proprietor of the said salt; which salt, so lodged as aforesaid, shall remain in the custody of the said officer, jointly with the said proprietor, until the same shall be delivered out to be put on board the fishing vessel, and so from time to time on each succeeding voyage; and upon the return of such vessel from the fishing voyage, the whole of the salt in such vessel, which shall not have been used under the authority of this act, in the salting or curing of fish as aforesaid, shall again be lodged under the like custody as aforesaid, the proprietor or proprietors, or his or their agent or agents, entering, at the next office for the duty on salt, the respective quantities of *British* salt so lodged by him or them from time to time as aforesaid, and the said officer keeping an account of every respective quantity of the said salt so entered and lodged in his custody as aforesaid; and that previous to every fishing voyage, the proprietor or proprietors of the said salt, or his or their agent or agents, shall make oath in writing, before the officer for the duty on salt, at the office nearest to the place where the said salt is lodged, declaring the quantity of the salt lodged as aforesaid, and that all the said salt is intended for the curing of fish to be caught at the north seas, or at *Iceland*, and shall not, by his or their order, consent, or connivance, directly or indirectly, be sold, given away, or any ways delivered but for the purpose aforesaid; after which oath, so made as aforesaid, and filed up by the said officer, in the said office, the officer, in the joint custody of whom, and of the proprietor or proprietors, or his or their agent or agents, the salt has continued during the interval of the fishing voyage, shall deliver into the sole custody of the said proprietor or proprietors, his or their agent or agents, all the said salt for the curing of fish to be taken during the said fishing voyage; and that, at the end of every fishing voyage, the officer for the said

From Aug. 1, 1785, masters of vessels bound to the north seas or Iceland may take salt for curing of fish without paying duty.

Salt not used to be returned to the warehouse.

Previous to every voyage, the proprietor of salt intended for curing fish, to make oath of the quantity so lodged, etc.

duty on ſalt ſhall take a particular account of the quantity of ſalt remaining in hand, which remaining ſalt ſhall be immediately locked up in the joint cuſtody of the ſaid officer and proprietor or proprietors, his or their agent or agents, as aforeſaid; and the ſaid proprietor or proprietors, his or their agent or agents, uſing the ſaid ſalt, ſhall, as ſoon as poſſible, after the end of every fiſhing voyage, deliver an account in writing into the ſaid office for the duty on ſalt, ſpecifying the quantity of fiſh entered with the proper officer or officers of the port or ports where ſuch fiſh was landed, in the curing or ſalting of which any of the ſalt taken away, after its delivery into the ſole cuſtody of the ſaid proprietor or proprietors, his or their agent or agents, has been uſed or conſumed, together with a certificate or certificates from the proper officer or officers of the port or ports where the ſaid fiſh were ſo entered, verifying the ſaid account; which certificate or certificates ſuch officer or officers is and are hereby directed to give *gratis*, and which ſaid account delivered into the office as aforeſaid, ſhall be affirmed by the oath of the ſaid proprietor or proprietors, his or their agent or agents, uſing the ſaid ſalt, and ſhall remain in the ſaid office, to the end that the quantity of fiſh ſalted or cured and entered, and the quantity of ſalt uſed in ſalting or curing the ſame, may, from time to time, appear upon oath, and be compared together; and in caſe any of the ſaid ſalt ſhall be delivered over to any other perſon or perſons, to be by him or them uſed in ſalting or curing of fiſh, the quantity or quantities of ſalt ſo delivered over ſhall be expreſſed in the ſaid account; and each perſon to whom ſuch ſalt ſhall be ſo delivered, or his agent, ſhall likewiſe, upon oath, make another account of the particular quantity of ſuch ſalt uſed by each of them in the ſalting or curing of fiſh; which account, together with the proper certificates, as aforeſaid, ſhall likewiſe be tranſmitted into the office aforeſaid, there to remain, for the purpoſes above mentioned; and if ſuch proprietor, or his agent, or any other perſon or perſons to whom any quantity of ſalt ſhall be delivered over as aforeſaid, ſhall, for the ſpace of ſix months after the end of every reſpective fiſhing ſeaſon, refuſe or neglect to deliver ſuch account, atteſted upon oath, as aforeſaid, ſuch proprietor or other perſon ſhall, for every ſuch offence, forfeit the ſum of one hundred pounds.

and at the end thereof, to deliver a written account to the ſalt office, ſpecifying the quantity of fiſh entered, etc.

Every perſon receiving ſalt as aforeſaid, ſhall deliver an account of the quantity uſed in each voyage.

on penalty of 100l.

VIII. Provided always, and be it further enacted, That no part of the ſalt ſo ſhipped as aforeſaid ſhall be afterwards reſhipped or delivered out at ſea to any perſon or perſons, ſave only in the north ſeas or at *Iceland*, and to *Britiſh* ſubjects belonging to fiſhing veſſels which ſhall have been regularly cleared out of a *Britiſh* port; and that ſo often as any ſalt ſhall be ſo delivered out as aforeſaid, the owner or maſter of the veſſel from whence the ſame ſhall be reſhipped, ſhall make and ſubſcribe an oath before the collector or comptroller of the port of his out-fit, ſpecifying the quantity delivered, and the names of the veſſels on board of which the ſaid ſalt ſhall have been ſhipped, and of the

Reſtrictions on delivering out ſalt at ſea.

the owner and master thereof, and the place of her out-fit, to the intent that, if both vessels shall not have been cleared outwards from one and the same port, the respective collectors or comptrollers of the several ports of clearance of such vessels may be duly informed, by each other, of the circumstances of the case, and which they are hereby expressly required, from time to time, to communicate to each other forthwith; and also to the intent that the several owners or masters, through whose hands any of such salt shall pass, may be charged with and called upon, at the ports of their respective out-fits, to account upon oath for the due consumption of the same in the salting or curing of fish; and the like rule and regulation shall be, and are hereby enacted and established, for the due accounting for the said salt through whosesoever hands the same shall or may pass at sea.

No bounty to be paid on exportation of cod, etc. brought from the north seas, etc.

IX. Provided also, and be it further enacted and declared, That no bounty whatsoever shall be paid or allowed upon the exportation of any cod, ling, hake, or other fish, which shall be brought or imported into *Great Britain* from *Iceland* or the the north seas, any act or statute to the contrary notwithstanding: and, to the intent that no such bounty may be allowed, all such cod, ling, or other fish, so imported as aforesaid, shall, on the landing thereof, and before the same shall be removed from shore, have part of the tail cut off in the presence of the collector or comptroller of the port, that it may be known that the owner or owners of the fish so marked are not intitled, in respect thereof, to any bounty on the exportation of the same.

Clause relative to salt reshipped at sea.

X. And be it further enacted, That when and so often as any salt shall have been so reshipped at sea, and the consumption thereof duly accounted for as aforesaid, the collector or comptroller, before whom the account thereof shall be taken, shall grant a certificate of the same, under his hand, *gratis*, directed to the collector or comptroller of the port at which the said salt was originally shipped; which certificate, being produced by the person who so shipped the salt, shall be admitted as proof of such consumption, and intitle such person to credit for the same upon his account; but no such certificate shall be available, or admitted as proof of the due consumption of any salt pretended to have been reshipped or delivered over at sea, unless such certificate shall be delivered to the collector or comptroller of the port where the said salt was originally shipped, within the space of six calendar months next after the return to port of the buss or vessel on board of which the salt was so originally shipped as aforesaid.

Penalty of not accounting for salt taken out of the salt works, etc.

XI. And be it further enacted, That for every bushel of salt, so as aforesaid taken out of the salt works or warehouse, which shall not be accounted for in the manner above-mentioned, or by certificate from the justices of the peace at their quarter sessions, that proof was there made that such salt was put on board any boat or vessel for salting or curing of fish at sea, and was there

there taken by enemies, or otherwiſe loſt or periſhed at ſea, or ſhall not be returned into or found remaining, at the end of every fiſhing voyage, in the warehouſe as aforeſaid, the proprietor or proprietors thereof, or his or their agent or agents, who took out the ſame, ſhall, according to the quantity or reſpective quantities for which he or they ſhall ſtand accountable, forfeit and pay the ſum of twenty ſhillings; and every ſuch perſon ſelling, giving away, uſing, or delivering any ſuch ſalt, or conſenting, or being anyways privy to the ſelling, giving away, uſing or delivering ſuch ſalt, directly or indirectly, otherwiſe than for the purpoſes and to the perſons aforeſaid, ſhall forfeit, pay, and undergo the penalties and puniſhments herein-after mentioned; (that is to ſay),

Penalty on perſons ſelling or diſpoſing of ſuch ſalt.

Every proprietor of ſuch ſalt, or his agent, for every buſhel of ſuch ſalt ſo ſold, given away, uſed or delivered, ſhall forfeit and pay the ſum of twenty ſhillings:

And every other perſon, buying, taking, or uſing any ſuch ſalt, otherwiſe than for the purpoſe and in the manner aforeſaid, ſhall forfeit and pay the ſum of twenty ſhillings for every buſhel of ſalt ſo bought, delivered, or uſed; and after that rate for a leſs quantity.

Penalty on proprietor for ſalt found wanting at redelivering thereof.

XII. And be it further enacted, That, for every buſhel of ſalt ſo lodged, which ſhall either be carried away, or be found wanting, at the redelivering thereof into the ſole cuſtody of the proprietor thereof as aforeſaid, reaſonable allowance for the waſte of ſuch ſalt being firſt made, the ſaid proprietor ſhall forfeit the ſum of twenty ſhillings, to be applied and recovered as herein-after mentioned.

Penalty on embezzling Britiſh ſalt after carried from the pit, etc. for curing fiſh.

XIII. And be it further enacted, That, every perſon who ſhall unlawfully take away, embezzle, or miſapply, any *Britiſh* ſalt, after it is weighed and carried from any ſalt work or ſalt pit in *Great Britain*, in order to its being cellared and locked up for the curing or ſalting of fiſh, and before it is brought unto, and locked up in any cellar or ſtorehouſe by the proprietor and the officer for the ſalt duties, as directed by this act, ſhall forfeit and pay the ſum of twenty ſhillings for every buſhel of *Britiſh* ſalt ſo unlawfully taken away, embezzled, or miſapplied, reckoning ſuch *Britiſh* ſalt at fifty-ſix pounds weight to the buſhel, and ſo in proportion for a leſs quantity.

Penalties and forfeitures how to be recovered and applied.

XIV. And be it further enacted, That all penalties and forfeitures given by this act ſhall be diſtributed in manner following; (that is to ſay), one moiety thereof to his Majeſty, his heirs and ſucceſſors, and the other moiety to the officer or officers who ſhall ſeize, inform, or ſue for the ſame; and ſhall be ſued for, recovered, and levied, in ſuch manner and form, and with ſuch power of mitigation, as any fine, penalty, or forfeiture, may be ſued for, recovered, levied, and mitigated, by any law of exciſe, or by action of debt, bill, plaint, or information,

mation, in any of his Majesty's courts of record at *Westminster*.

Limitation of actions.

XV. And be it further enacted, That if any person or persons shall happen to be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, such person or persons shall or may plead the general issue, and give this act, and the special matter in evidence; and if upon trial a verdict shall pass for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuited, discontinue, or forbear prosecuting such action or actions, then such defendant or defendants shall be intitled to double costs against such plaintiff or plaintiffs, for which he or they shall have the like remedy as a defendant can have in any case where costs are given him by law.

General issue.

Double costs.

Not to affect the powers given by any acts for regulating the mode to be observed in fitting out for any fishery, etc.

XVI. Provided always, and it is hereby declared, That nothing in this act contained shall extend, or be implied or construed to extend, to repeal or alter any act or acts now in force, or any of the clauses or provisions therein contained, or to take away, abridge, lessen, or affect any of the powers or authorities thereby given or granted respectively, for settling or regulating the mode or course to be observed in fitting out for any fishery, or clearance outwards, or entry inwards, or the discharge of any buss or fishing vessel, or in cellaring, securing, shipping, reshipping, or re-landing any salt to be used for the salting or curing of fish, or in fishing for, catching, salting, curing, stowing, landing, removing, marking, or exporting any fish whatsoever, or in the payment or allowance of any bounties thereby respectively granted on the tonnage or burthen of any buss or vessel, or on any fish to be exported; save only and except so far as any such act or acts, or the clauses, provisions, powers, or authorities therein contained or granted, are specifically or expressly repealed, revoked, altered, or controuled, by this present act, or repugnant to any of the provisions herein contained; but that all and singular the said former acts, and the bounties thereby granted, and the several rules, regulations, powers and authorities, therein contained or granted, and the pains, penalties, and forfeitures incurred, or thereby inflicted or provided for any breach or non-observance of the same, except as aforesaid, shall remain and continue in the same force and effect as if this act had not been made, any thing herein contained to the contrary notwithstanding.

Exception.

CAP. LXVI.

An act to explain and amend an act, made in the twenty-fourth year of the reign of his present Majesty, intituled, An act for granting to his Majesty certain rates and duties upon bricks and tiles made in *Great Britain*; and for laying additional duties on bricks and tiles imported into the same.

Preamble.

WHEREAS *by an act passed in the last session of parliament,* (*intituled,* An act for granting to his Majesty certain rates

Recital of part of 24 Geo. 3. c. 24.

rates and duties upon bricks and tiles made in *Great Britain*; and for laying additional duties on bricks and tiles imported into the same), *it was enacted, That if any person or persons, who should make any bricks or tiles chargeable with the said duties, should remove, carry, or send away, or cause or suffer to be removed, carried, or sent away, any bricks or tiles to the kiln, clamp, or other place for burning, from or out of the field, shed, or other place where they should be first put or placed to dry or harden, after being turned out of the mould, and before the proper officer of excise should have taken an account thereof, and charged the duties thereupon, he, she, or they should forfeit the sum of fifty pounds for every such offence; and that all and every the bricks and tiles so carried away, and being found in the possession of any brickmaker, tilemaker, or other trader or dealer therein, or any person or persons for the use of such brickmaker or tilemaker, or trader, or dealer therein, should be forfeited, and might be seized, or the value thereof: and it was also enacted, That all and every person and persons, making any bricks or tiles as aforesaid, should, from time to time, keep such and so many of the said bricks and tiles, as should not have been surveyed and taken an account of by the proper officers in that behalf, separate and apart from all other bricks and tiles which should have been surveyed and taken an account of by such officers, on pain to forfeit, for every neglect or default therein, the sum of fifty pounds: and whereas the said provisions have been found inconvenient*; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, the said herein-before recited provisions shall be, and the same are hereby repealed.

From Aug. 1, 1785, the recited provisions repealed.

Makers who shall remove bricks or tiles to the kiln before the officer has charged the duties, shall forfeit the same, and also 50l.

II. And be it enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, if any person or persons, who shall make any bricks or tiles chargeable with the said duties by the said act imposed, shall remove, carry, or send away, or cause or suffer to be removed, carried, or sent away, any bricks or tiles to the kiln, clamp, or other place for burning, from or out of the field, shed, or other place where they shall be put or placed to dry or harden, and before the proper officer of excise shall have taken an account thereof, and charged the duties thereupon, he, she, or they shall forfeit the sum of fifty pounds for every such offence; and that all and every the bricks and tiles so carried away, and being found in the possession of any brickmaker, tilemaker, or other trader or dealer therein, or any person or persons for the use of such brickmaker or tilemaker, or trader or dealer therein, shall be forfeited, and may be seized, or the value thereof, and shall and may be recovered, to wit, one moiety to the use of his Majesty, and the other moiety to the seizer or informer.

III. And be it further enacted by the authority aforesaid, That

That all and every person and persons, making any bricks or tiles as aforesaid, shall, from time to time, keep such and so many of the said bricks and tiles, as shall not have been surveyed and charged by the proper officers in that behalf, separate and apart from all other bricks and tiles, which shall have been surveyed and charged by such officers, on pain to forfeit, for every neglect or default therein, the sum of fifty pounds. Bricks and tiles not surveyed, etc. by the proper officer, to be kept separate from others.

IV. *And whereas the makers of bricks and tiles do sometimes place their bricks and tiles, while the same are in the operation of drying or hardening, in irregular and unusual rows or positions, on purpose to make it difficult for the officer of excise to take an account of the same*; be it enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, every maker of bricks or tiles shall, while the bricks or tiles shall be in the operation of drying or hardening, in the field, shed, or other place where the same shall be made or prepared, after being turned out of the mould, place or dispose such bricks and tiles, or cause the same to be placed or disposed, in such manner and form as that the officer of excise who shall survey such bricks may easily and securely take an account thereof; and if any maker of bricks and tiles shall, from and after the said first day of *August*, one thousand seven hundred and eighty-five, place and dispose, or cause to be placed or disposed, such bricks or tiles, while the same shall be in the operation of drying or hardening, in the field, shed, or other place where the same shall be made or prepared, after being turned out of the moulds, in any irregular and unusual manner, with intent to make it difficult or unsafe for the officer of excise to take an account thereof, every such maker of bricks or tiles shall, for every such offence, forfeit and lose the sum of fifty pounds. From Aug. 1, 1785, all bricks, while drying, to be so placed that the officer may easily take an account thereof; on penalty of 50l.

V. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures inflicted by this act, shall be sued for, recovered, levied, or mitigated by such ways, means, and methods, as any fine, penalty, or forfeiture, is or may be sued for, recovered, levied, or mitigated, by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland* respectively; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall discover, inform, or sue for the same. Penalties and forfeitures how to be recovered and applied.

VI. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons, for any thing by him or them done in pursuance of this act, or the said act made in the last session of parliament, such action or suit shall be commenced within three months next after the matter or thing done, and shall be laid in the proper county; and the defendant or defendants in such action or suit may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon; and Limitation of actions. General issue.

and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer or otherwise, then such defendant or defendants shall have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs.

Treble costs.

CAP. LXVII.

An act to prohibit the exportation to foreign parts, of tools and utensils made use of in the iron and steel manufactures of this kingdom; and to prevent the seducing of artificers or workmen, employed in those manufactures, to go into parts beyond the seas.

Preamble.

WHEREAS *the exportation of the several tools and utensils made use of in preparing, working up, and finishing, the iron and steel manufactures of this kingdom, or either of them, will enable foreigners to work up such manufactures, and thereby greatly diminish the exportation of the same from this kingdom*; therefore, for the preserving, as much as possible, to his Majesty's subjects the benefits arising from those great and valuable branches of trade and commerce, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if, at any time after the first day of *August*, one thousand seven hundred and eighty-five, any person or persons in *Great Britain* shall, upon any pretence whatsoever, export, load, or put on board, or pack, or cause or procure to be loaden, put on board, or packed, in order to be loaded or put on board of any ship or vessel which shall be bound to some port or place in parts beyond the seas (except to *Ireland*), or shall lade, or cause or procure to be laden on board any boat or other vessel, or shall bring, or cause to be brought, to any quay, wharf, or other place, in order to be so laden or put on board any such ship or vessel, any tool or utensil hereafter mentioned; that is to say, hand stamps, dog head stamps, pulley stamps, stamps of all sorts, hammers and anvils for stamps, screws for stamps, iron rods for stamps, presses of all sorts, in iron, steel, or other metal, which are used for giving impressions to metal, or any parts of these several articles; presses of all sorts called *Cutting-out Presses*, beds and punches to be used therewith; piercing presses of all sorts, beds and punches to be used therewith, either in parts or pieces, or fitted together; iron or steel dies to be used in stamps or presses either with or without impressions on them; rollers of cast iron, wrought iron, or steel, for rolling of metal, and frames for the same; flasks or casting moulds, and boards used therewith; lathes of all sorts for turning, burnishing, polishing, either the whole together, or separate parts thereof; lathe strings, polishing brushes, scoring or shading engines, presses for horn buttons,

From Aug. 1, 1785, no person to put on board any vessel, for exportation, any tool, etc. in the act specified,

tons, dies for horn buttons, sheers for cutting of metal, rolled steel, rolled metal with silver thereon, parts of buttons not fitted up into buttons, or in an unfinished state; engines for chasing, stocks for casting buckles, buttons, and rings; cast iron anvils and hammers for forging mills for iron and copper; roles, slitters, beds, pillars and frames for slitting mills; die-sinking tools of all sorts, engines for making button shanks, laps of all sorts, drilling engines, tools for pinching of glass, engines for covering of whips, polishing brushes, bars of metal covered with gold or silver, iron or steel screw plates, pins, and stocks for making screws, or any other tool or utensil whatsoever, which now are, is, or at any time or times hereafter shall or may be used in, or proper for the preparing, working, finishing, or completing of the iron or steel manufactures of this kingdom, or either of them, by what name or names soever the same shall be called or known, or any model or plan, or models or plans, of any such tool, utensil, or implement, or any part or parts thereof; the person or persons so offending shall, for every such offence, not only forfeit and lose all such tools or utensils, or parts or parcels thereof, together with the packages, and all other goods packed therewith, if any such there be, and complaint being made, upon the oath of one or more credible witness or witnesses, before any justice or justices of the peace, it shall and may be lawful to and for such justice or justices of the peace to issue his or their warrant or warrants to bring the person or persons so complained of before him or them, or some other of his Majesty's justices of the peace for the same county, city, riding, division, liberty, shire, stewartry, or place; and if, when such person or persons shall be brought before such justice or justices, he, she, or they shall not give such an account of the use or purpose to which such tools, utensils, or implements, and part or parts thereof, and all such model or plan, models or plans, and part or parts thereof, are intended to be appropriated, as shall be satisfactory to the justice or justices before whom he, she, or they shall be brought as aforesaid, then, and in such case, it shall and may be lawful to and for such justice or justices to bind the person or persons so charged to appear at the next assizes, general gaol delivery, or quarter sessions of the peace, for the county, city, riding, division, stewartry, or place, where such offence shall be committed, with reasonable sureties for his, her, or their appearance; and in case such person or persons shall refuse or neglect to give such security, then, and in such case, it shall and may be lawful to and for such justice or justices to commit the person or persons so refusing to the common gaol, or house of correction, there to be kept until the next assizes, or next quarter sessions of the county, city, riding, division, shire, stewartry, or place, where such commitment shall be, and until he, she, or they shall be delivered by due course of law: and in case any such person or persons shall be convicted of any of the offences aforesaid, upon any indictment or information against

on penalty of forfeiture thereof;

and if the offender shall not give a satisfactory account before the magistrate, he shall be bound to appear at the next assizes, etc.

or be committed for trial.

Penalty on conviction.

againſt him, her, or them, at ſuch aſſizes or quarter ſeſſions of the peace as aforeſaid, the perſon or perſons ſo offending ſhall, for every ſuch offence, forfeit the ſum of two hundred pounds of lawful money of *Great Britain*, and ſhall alſo ſuffer impriſonment, in the common gaol, priſon, or houſe of correction, of the county, city, riding, diviſion, liberty, ſhire, ſtewartry, or place, wherein ſuch offender or offenders ſhall be reſpectively convicted, for the ſpace of twelve months, without bail or mainprize, and until ſuch forfeiture ſhall be paid.

From Aug. 1, 1785, officers of the cuſtoms to ſeize all ſuch tools, etc. laid, or intended to be laid, on board any outward bound veſſel;

II. And be it further enacted by the authority aforeſaid, That, from and after the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, it ſhall and may be lawful to and for any officer of his Majeſty's cuſtoms in *Great Britain*, and they are hereby required to ſeize and ſecure, in ſome or one of his Majeſty's warehouſes, all ſuch tools, utenſils, or implements, or part or parts thereof; and all and every ſuch model or plan, models or plans, or part or parts thereof, as ſuch officer ſhall find or diſcover to be laid or put on board, or intended to be laid or put on board, of any ſhip, veſſel, or boat, which ſhall be bound to ſome port or place in parts beyond the ſeas, (except to *Ireland*), contrary to the true intent and meaning of this act, together with the packages, and all other goods packed therewith, (if any ſuch there be), and they are hereby indemnified in ſo doing; and all tools, utenſils, and implements, or part or parts thereof, model or plan, models or plans, or part or parts thereof, together with the packages, and other goods packed therewith, ſo ſeized and ſecured as aforeſaid, ſhall, after condemnation thereof in due courſe of law, be publickly ſold to the beſt bidder, by order of the commiſſioners of the cuſtoms in *Great Britain* reſpectively; and one moiety of the produce ariſing by the ſale thereof, after deducting the charges of condemnation and ſale, ſhall be to the uſe of his Majeſty, his heirs and ſucceſſors, and the other moiety to the officer who ſhall ſeize and proſecute the ſame as aforeſaid.

ſuch goods to be ſold.

Penalty on maſters of veſſels who ſhall permit any ſuch tools, etc. to be put on board.

III. And be it further enacted by the authority aforeſaid, That, from and after the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, if the captain or maſter of any ſhip, veſſel, or boat, in *Great Britain*, ſhall knowingly or deſignedly permit or ſuffer any tool, utenſil, or implement, or part or parts thereof, or any model or plan, or part or parts thereof, by this act prohibited to be exported as aforeſaid, to be put on board his ſaid ſhip, veſſel, or boat, every ſuch captain or maſter ſhall, for every ſuch offence, forfeit the ſum of two hundred pounds; and if the ſaid ſhip, veſſel, or boat, ſhall belong to his Majeſty, his heirs or ſucceſſors, then the captain or maſter thereof ſhall not only forfeit the ſum of two hundred pounds, but ſhall alſo forfeit his employment, and be incapable of holding any office or employment under his Majeſty, his heirs or ſucceſſors.

Penalty on officers of cuſtoms tak-

IV. And be it further enacted by the authority aforeſaid, That if any cuſtomer, comptroller, ſurveyor, ſearcher, waiter, or

or other officer of the customs in *Great Britain*, shall take, or knowingly or willingly suffer to be taken, any entry outward, or shall sign any cocquet, warrant, or sufferance, for the shipping or exporting of any of the said tools, utensils, or implements, or any part or parts thereof, or any of the said models or plans, or any part or parts thereof, by this act prohibited to be exported, or shall knowingly or willingly permit or suffer the same to be done, directly or indirectly, contrary to the true intent and meaning of this act; every such customer, comptroller, surveyor, searcher, waiter, or other officer of the customs of *Great Britain*, shall, for every such offence, forfeit the sum of two hundred pounds, and shall also forfeit his office, and be incapable of holding any office or employment under his Majesty, his heirs or successors.

ing any entry outwards, etc. for such tools or utensils.

V. And be it further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, if any person or persons hath or have in his, her, or their custody, power, or possession, or shall collect, obtain, make, apply for, or cause or procure to be made, any such tool, utensil, or implement, or any part or parts thereof, or any such model or plan, models or plans, or part or parts thereof as aforesaid, with intent to export, or that the same may be exported out of *Great Britain* to any part or place beyond the seas, (except to *Ireland*), and complaint being made, upon the oath of one or more credible witness or witnesses, before any justice or justices of the peace, that there is reason to believe such person or persons hath or have in his, her, or their custody, power, or possession, or hath or have collected, obtained, made, applied for, or caused or procured to be made, any such tool, utensil, or implement, or part or parts thereof, or any such model or plan, or models or plans, or part or parts thereof as aforesaid, with intent to export, or that the same may be exported to some other port or place than *Great Britain* or *Ireland*; then, and in any of the said cases, it shall and may be lawful to and for the said justice or justices of the peace to issue his or their warrant or warrants to seize all such tools, utensils, or implements, or part or parts thereof, and all such models or plans, or part or parts thereof as aforesaid, and to bring the person or persons so complained of before him or them, or some other of his Majesty's justices of the peace, for the same county, city, riding, division, shire, stewartry, or place; and if such person or persons shall not give such an account of the use or purpose to which such tools, utensils, or implements, or part or parts, models or plans, or part or parts thereof, is, are, or were intended to be appropriated, as shall be satisfactory to the justice or justices before whom he, she, or they shall be brought as aforesaid, then, and in such case, it shall and may be lawful to and for such justice or justices to cause all such tools, utensils, or implements, or part or parts thereof, models or plans, or part or parts thereof, which shall have been so seized as aforesaid, to be detained, and also to bind the person or persons so

From Aug. 1, 1785, any person having in possession any such tool, utensil, etc. with intent to export the same, any justice may issue his warrant for seizing thereof, and bringing such person before him;

and if he shall not give a satisfactory account thereof, such tools, etc. may be detained and the possessor bound over to appear at the next assizes, etc.

charged to appear at the next assizes, general gaol delivery, or quarter sessions of the peace, for the county, city, riding, division, shire, stewartry, or place, where such offence shall be committed, with reasonable sureties for his, her, or their appearance; and in case such person or persons shall refuse or neglect to give such security, then, and in such case, it shall and may be lawful to and for such justice or justices to commit such person or persons to the county gaol, prison, or house of correction, there to remain until the next assizes, or quarter sessions of the county, city, riding, division, liberty, stewartry, or place, where such commitment shall be, and until he, she, or they shall be delivered by due course of law; and in case any such person or persons shall be convicted, upon any indictment or information against him, her, or them, at such assizes or quarter sessions of the peace as aforesaid, of having in his, her, or their custody, power, or possession, or of having collected, obtained, made, applied for, or caused or procured to be made, any such tool, utensil, or implement, or part or parts thereof, model or plan, or part or parts thereof, with such intent as aforesaid, then, and in such case, the person or persons so convicted shall, for every such offence, forfeit and lose all such tools, utensils, or implements, or part or parts thereof, models or plans, or part or parts thereof, which shall be so seized and detained, and also the sum of two hundred pounds of lawful money of *Great Britain*, and shall suffer imprisonment in the common gaol of the county, city, riding, division, shire, stewartry, or place, wherein such offender or offenders respectively shall be committed, for the space of twelve months, without bail or mainprize, and until such forfeiture shall be paid.

or may be committed.

Penalty in case of conviction.

VI. *And whereas, for the encouraging of such manufactories in this kingdom, it is necessary that provision should be made to prevent artificers, and others employed therein, from departing, or from being seduced to depart out of this kingdom*; be it therefore further enacted by the authority aforesaid, That from and after the said first day of *August*, one thousand seven hundred and eighty-five, if any person or persons shall contract with, entice, persuade, or endeavour to seduce or encourage, any artificer or workman concerned or employed, or who shall have worked at, or been employed in the iron or steel manufactures in this kingdom, or in making or preparing any tools or utensils for such manufactory, to go out of *Great Britain* to any parts beyond the seas (except to *Ireland*), and shall be convicted thereof, upon indictment or information in the court of king's bench at *Westminster*, or by indictment at the assizes, or general gaol delivery, or quarter sessions for the county or place wherein such offence shall be committed, or the offender or offenders shall live or reside, or by indictment in the court of justiciary, or any of the circuit courts in *Scotland*, as the case may be; every person so convicted shall, for every artificer so contracted with, enticed, persuaded, encouraged, or seduced, or attempted so to be, forfeit and pay the sum of five hundred pounds of lawful money

Penalty on persons enticing artificers in the iron or steel manufactures, etc. to leave this kingdom, (except to Ireland):

For first offence, 500l. and twelve months imprisonment;

money of *Great Britain*, and shall be committed to the common gaol for the county, place, or stewartry, wherein the offender or offenders shall be convicted, there to remain without bail or mainprize for the space of twelve calendar months, and until such forfeiture shall be paid; and in case of a subsequent offence of the same kind, the person or persons so again offending shall, upon the like conviction, forfeit and pay, for every person so contracted with, enticed, persuaded, encouraged or seduced, or attempted so to be, the sum of one thousand pounds of lawful money of *Great Britain*, and shall be committed to the common gaol as aforesaid, there to remain, without bail or mainprize, for and during the term of two years, and until such forfeiture shall be paid.

Second, etc. 1000l. and two years imprisonment.

VII. Provided always, That no person shall be prosecuted for any of the offences aforesaid, unless such prosecution shall be commenced within the space of twelve calendar months next after such offence shall be committed.

Prosecution to be commenced within 12 months.

VIII. And it is hereby further enacted by the authority aforesaid, That the several penalties and forfeitures, hereinbefore mentioned, shall and may be sued for and recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer, or in the court of session in *Scotland*, in the name of his Majesty's attorney general, or lord advocate, or in the name of some officer or officers of the customs in *Great Britain* respectively, wherein no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed; and that one moiety of the said penalties and forfeitures shall go and be applied to the use of his Majesty, his heirs and successors, and the other moiety to the use of such officer or officers of the customs as shall sue and prosecute for the same respectively, after deducting the charges of prosecution from the whole.

Penalties and forfeitures how to be recovered and applied.

IX. And be it further enacted by the authority aforesaid, That if any suit or action shall be commenced against any person for what he shall do in pursuance of this act, such suit or action shall be commenced within three months next after the fact committed; and the person so sued may file common bail, or enter a common appearance, and plead the general issue not guilty, and may give this act and the special matter in evidence; and if the plaintiff or prosecutor shall become nonsuit, or suffer discontinuance, or if a verdict pass against him or her, or if, upon demurrer, judgement shall be given against the plaintiff, the defendant shall recover treble costs.

Limitation of actions.

General issue.

Treble costs.

CAP. LXVIII.

An act for appointing and enabling commissioners further to examine, take, and state the publick accounts of the kingdom. —— The act of 24 Geo. 3. c 13. and former acts, continued till one year after July 22, 1785, in the same manner as before.

CAP. LXIX.

An act to repeal the duties upon flasks in which Florence *wine and oil is imported; to permit the importation of wines in small casks for private use; to revive, continue, and amend so much of an act made in the sixteenth year of his present Majesty, as allows the exportation of certain quantities of wheat, and other articles, to his Majesty's sugar colonies in* America; *for disallowing the drawback on the exportation of snuff; for continuing the permission to land rum or spirits of the* British *sugar plantations, before payment of the duties of excise; for reviving and continuing the premiums upon the importation of pitch, tar, and turpentine, from* East Florida, *into* Great Britain; *for allowing a bounty upon the exportation of silk gauzes, and a drawback upon the exportation of raw silk.*

Preamble. 17 Geo. 3. c. 39.

WHEREAS *by an act, passed in the seventeenth year of the reign of his present Majesty,* (*intituled,* An act for granting to his Majesty a duty upon all servants retained or employed in the several capacities therein mentioned; and for repealing several rates and duties upon glass, imposed by an act made in the nineteenth year of the reign of his late Majesty, and for granting to his Majesty other rates and duties upon glass in lieu thereof, and for the better collecting the duties upon glass; and for repealing the several rates and duties charged, by an act made in the twenty-ninth year of the reign of his said late Majesty, upon all persons, and bodies politick and corporate, having certain quantities of silver plate; *it was, amongst other things, enacted, That there should be raised, levied, collected, and paid, unto and for the use of his Majesty, his heirs and successors, the several rates and duties therein expressed, upon all glass imported and brought into the kingdom of* Great Britain: *and whereas it is expedient to repeal the said recited act, passed in the seventeenth year of his Majesty's reign, so far as the same relates to charging the flasks only, in which wine and oil have been usually imported, with the said duties;* be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and

From Aug. 1, 1785, the duty on flasks, in which Florence wine, etc. is imported, repealed.

by the authority of the same, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, the said recited act, so far as the same relates to charging duties upon the flasks only in which wine or oil, of the growth of the dominions of the great duke of *Tuscany*, shall be imported, shall be and is hereby repealed; and the said duties upon such flasks shall cease, determine, and be no longer paid or payable.

Recital of 18 Geo. 3. c. 27.

II. *And whereas by an act of parliament, made in the eighteenth year of the reign of his present Majesty,* (*intituled,* An act for granting to his Majesty several additional duties upon wines and vinegar imported into this kingdom), *it was, amongst other things, enacted, That no wines of the growth or produce of any part of the dominions belonging to the crown of* Spain *or* Portugal, *and that*

that no French *wines ſhould be imported or brought into* Great Britain, *in any ſmaller veſſel or caſk than what is commonly called an* Hogſhead, *in which ſuch wines have been uſually imported, upon forfeiture of all ſuch wines as ſhould be imported contrary to the ſaid act, together with the caſks and other package containing the ſame, (except as therein-after was provided): and whereas by the ſaid act it was provided, That any* French *wines may be imported in bottles, or that any wines may be imported in ſmaller caſks than as therein-before limited, without fraud or concealment, for private uſe, and not by way of merchandize, any thing in the ſaid act, or any other law, cuſtom, or uſage, to the contrary notwithſtanding: and whereas, by an act of parliament made in the twenty-third year of the reign of his preſent Majeſty, it was enacted, That the ſaid proviſo in the ſaid recited act, ſo far as the ſame relates to* Portugal *or* Spaniſh *wines, or any other wines, except* French *wines, ſhall be repealed and made void: and whereas it is and may be expedient to permit* Spaniſh *and* Portugal *wines, and other wines, to be imported in ſmall caſks and other veſſels for private uſe, under certain reſtrictions*; be it therefore enacted by the authority aforeſaid, That, from and after the firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, in caſe it ſhall be made appear, to the ſatisfaction of the commiſſioners of his Majeſty's cuſtoms in *England* or *Scotland* reſpectively, that any *Spaniſh* or *Portugal* wines, or any other wines, ſhall be imported into *Great Britain*, without fraud or concealment, in any ſmaller veſſel or caſk than what is commonly called an *Hogſhead*, for the private uſe of the perſons ſo importing the ſame, and not by way of merchandize, that then, and in every ſuch caſe, it ſhall and may be lawful for the ſaid reſpective commiſſioners, or any three or more of them, if they think proper, to admit ſuch wine to an entry, and cauſe the duties to be accepted inſtead of the forfeiture thereof; any thing in the ſaid laſt recited act, or any other act, cuſtom, or uſage, to the contrary notwithſtanding.

23 Geo. 3. c. 11.

From Aug. 1, 1785, wines may be imported in ſmall caſks for private uſe.

III. And it is hereby further enacted by the authority aforeſaid, That ſo much of an act made in the ſixteenth year of the reign of his preſent Majeſty, (intituled, *An act for allowing the exportation of certain quantities of wheat, and other articles, to his Majeſty's ſugar colonies in* America, *and to the iſland of* Saint Helena, *and to the other ſettlements belonging to the united company of merchants of* England *trading to the* Eaſt Indies, *and of biſcuit and peaſe to* Newfoundland, Nova Scotia, Bay Chaleur, *and* Labrador; *and for indemnifying all perſons with reſpect to adviſing or carrying into execution his Majeſty's orders of council already made for allowing the exportation of wheat, and other articles)*, as relates to allowing the exportation of certain quantities of wheat, and other articles, to his Majeſty's ſugar colonies in *America*, which was to continue in force until the firſt day of *January*, one thouſand ſeven hundred and ſeventy-ſeven, and which, by ſeveral acts, made in the ſeventeenth, eighteenth, nineteenth, twentieth, twenty-firſt, twenty-ſecond, twenty-third, and twenty-fourth years of the reign of his preſent Majeſty, was continued

So much of 16 Geo. 3. c. 37.

as relates to the exportation of wheat, &c. to the Britiſh ſugar colonies,

revived; and to continue in force until May 1, 1786, &c.

until the firſt day of *May*, one thouſand ſeven hundred and eighty-five, ſhall, from and after the paſſing of this act, be revived, and the ſame is hereby revived, and ſhall continue in full force and effect until the firſt day of *May*, one thouſand ſeven hundred and eighty-ſix, and from thence to the end of the then next ſeſſion of parliament.

From the paſſing of this act to May 1, 1786, wheat, &c. may be exported from Lancaſter to the ſugar colonies.

IV. And be it further enacted, That, from and after the paſſing of this act, until the firſt day of *May*, one thouſand ſeven hundred and eighty-ſix, and from thence to the end of the then next ſeſſion of parliament, it ſhall and may be lawful to ſhip and export from the port of *Lancaſter*, to his Majeſty's ſugar colonies in *America*, for the ſuſtenance and uſe of the inhabitants of the ſaid colonies, any quantity of wheat, wheat flour, bread, biſcuit, and meal, not exceeding in the whole ten thouſand quarters, in like manner, and under the ſame regulations and reſtrictions, as if the ſame had been allowed to be exported by the ſaid recited act of the ſixteenth year of his preſent Majeſty's reign.

No drawback to be allowed for ſnuff exported after Aug. 1, 1785.

V. *And, for the better preventing of fraudulent practices in the mixing of ſnuff with other materials, or with other ſnuff which has been clandeſtinely imported into this kingdom, and run on ſhore without payment of duty, and entering the ſame outwards for exportation, to obtain a drawback of the duties thereon, and privately relanding the ſame in* Great Britain, *to the diminution of the publick revenue, and detriment of the fair trader*, be it further enacted by the authority aforeſaid, That no drawback ſhall be paid or allowed, for any ſort of ſnuff which, from and after the firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, ſhall be exported, or entered for exportation, from this kingdom, any law, cuſtom, or uſage, to the contrary notwithſtanding.

So much of 15 and 16 Geo. 2. c. 25. as relates to the landing rum, &c. before payment of exciſe duties, etc.

VI. And be it further enacted by the authority aforeſaid, That ſo much of an act, made in the fifteenth and ſixteenth years of the reign of his late majeſty King *George* the Second, (intituled, *An act to impower the importers or proprietors of rum or ſpirits of the* Britiſh *ſugar plantations to land the ſame before payment of the duties of exciſe charged thereon, and to lodge the ſame in warehouſes at their own expence; and for the relief of* Ralph Barrow, *in reſpect to the duty on ſome rock ſalt, loſt by the overflowing of the rivers* Weaver *and* Dane), as relates to the landing of rum or ſpirits of the *Britiſh* ſugar plantations before payment of the duties of exciſe, and to the lodging of the ſame in warehouſes at the expence of the importers or proprietors thereof, which was to continue in force from the twenty-ninth day of *September*, one thouſand ſeven hundred and forty-two, to the twenty-ninth day of *September*, one thouſand ſeven hundred and forty-nine, and from thence to the end of the then next ſeſſion of parliament; and which, by ſeveral ſubſequent acts, of the twenty-third and thirty-firſt years of the reign of his ſaid late Majeſty, and the fourth, eleventh, and nineteenth years of the reign of his preſent Majeſty, was farther continued until the twenty-ninth day of *September*, one thouſand ſeven hundred and eighty-

eighty-five, and from thence to the end of the then next session of parliament, shall be, and the same is hereby farther continued from the expiration thereof, until the twenty-ninth day of *September*, one thousand seven hundred and ninety-two, and from thence to the end of the then next session of parliament. continued to Sept. 29, 1792.

VII. Provided always, and it is hereby further declared and enacted, That the proprietor or proprietors, importer or importers, of such rum or spirits of the growth, produce, or manufacture of the *British* sugar plantations, within thirty days next after the master or purser, for that voyage, of the ship or vessel wherein the said rum or spirits of the *British* sugar plantations shall be imported or brought into the kingdom of *Great Britain*, shall have, or ought to have made a just and true entry or report, upon oath, of the burden, contents, and loading of such ship or vessel, in pursuance of the directions of the statute made in the thirteenth and fourteenth years of the reign of King *Charles* the Second, intituled, *An act for preventing frauds, and regulating abuses in his Majesty's customs*, shall make due entry with the officer or collector appointed for the excise, in the port or place where such rum or spirits, as aforesaid, shall be imported, of all such rum or spirits on board of such ship or vessel belonging to such proprietor or proprietors, importer or importers; and shall, within the said thirty days, land the same, and put the same into such warehouse or warehouses, and give such security for the due payment of the duties of excise, as is or are directed by the said act of the fifteenth and sixteenth years of the reign of his said late Majesty, on pain, for every neglect or refusal to make due entry, or to land the same, and put the same into such warehouse or warehouses, and to give such security for the due payment of the duties of excise within the said thirty days, to forfeit all such rum or spirits, with the casks and packages wherein the same shall be contained, belonging to such proprietor or proprietors, importer or importers of the same so neglecting or refusing, which shall and may be seized by any officer or officers of the excise. Directions relative to entering such rum, and lodging it in warehouses.

VIII. *And whereas by an act, passed in the second year of the reign of his late majesty King* George *the Second, intituled,* An act for the better preservation of his Majesty's woods in *America*, and for the encouragement of the importation of naval stores from thence; and to encourage the importation of masts, yards, and bowsprits, from that part of *Great Britain* called *Scotland*; *certain premiums, for the encouragement of the planters in the* British *plantations in* America *to send naval stores to* Great Britain, *were granted upon the importation thereof, for a limited time; which premiums, by several subsequent acts of parliament, were continued to the end of the session of parliament in one thousand seven hundred and eighty-two: and whereas considerable quantities of turpentine, pitch, and tar, have been prepared by the proprietors of plantations and lands in* East Florida, *for the purpose of importing the same into* Great Britain, *under an expectation of receiving the like premiums, and some part of such turpentine, pitch, and tar, has been so imported* Recital of 2 Geo. 2 c. 35.

into Great Britain; *but, for want of an act of parliament to further continue the granting such premiums, the importers thereof are not, by law, intitled to, nor can be allowed the same, without the interference of parliament, and other part of such turpentine, pitch and tar, is expected hereafter to arrive: and whereas it is just and expedient that the premiums heretofore granted upon the importation of pitch, tar, and turpentine, from* East Florida *into* Great Britain, *should be revived and continued, for a limited time, from the expiration of the session of parliament in one thousand seven hundred and eighty-two:* be it therefore enacted by the authority aforesaid, That the several premiums or bounties upon turpentine, pitch, and tar, granted by the said recited act, passed in the second year of the reign of his late Majesty, and continued, by several subsequent acts, to the twenty-fourth day of *June*, one thousand seven hundred and eighty-one, and from thence to the end of the then next session of parliament, shall be, and the same are hereby revived, and continued, from the said period, to the twenty-fifth day of *December*, one thousand seven hundred and eighty-five.

The premiums upon the importation of turpentine, etc. from East Florida revived, and continued to Dec. 25, 1785.

IX. *And whereas, by reason of the cession of* East Florida *to the crown of* Spain, *several of the civil officers therein, whose duty it was to certify that such naval stores, exported from thence to* Great Britain, *were of the growth and produce of* East Florida, *may have removed therefrom, or may have omitted to give the usual certificates, whereby it is impracticable for the planters, or agents of proprietors resident in* Great Britain, *to obtain such certificates as were formerly required*; be it therefore enacted, That the commissioners of his Majesty's navy shall, and they are hereby authorized and required to allow the said bounties upon the turpentine, pitch, and tar, imported and to be imported as aforesaid, before the said twenty-fifth day of *December*, one thousand seven hundred and eighty-five; provided the importer or importers shall make oath that, to the best of their knowledge and belief, the turpentine, pitch, and tar, mentioned in their affidavit, were and are of the growth and produce of *East Florida*, and were shipped from thence, and imported into and landed at some port in *Great Britain*, mentioning the time and place when and where the same were so landed.

Clause relative to allowing the bounties.

X. And be it further enacted, That if any person or persons shall have knowingly imported, or shall knowingly import from *East Florida* any turpentine, pitch, or tar, which shall not be of the growth and produce of *East Florida*, and shall thereupon obtain the benefit of this act, such person or persons so offending shall be liable to all the penalties of wilful and corrupt perjury, and be prosecuted by his Majesty's attorney general for the same.

Penalty on obtaining the bounty for turpentine, etc. not the produce of East Florida.

XI. *And whereas by an act, made in the last session of parliament, intituled,* An act for granting additional duties upon raw and thrown silk imported into *Great Britain*, and upon lead exported from *Great Britain*, into parts beyond the seas; and for allowing a drawback upon the exportation of silks, and stuffs mixed with silk; *it is enacted, That, over and above the former bounties allowed*

Recital of 24 Geo. 3. c. 49.

allowed on the exportation of the several articles therein specified, amongst several other articles therein enumerated, there shall be allowed and paid to the exporter thereof, for all ribbons and stuffs of silk, except gauzes, made in Great Britain, *the sum of two shillings for every pound weight avoirdupois: and whereas it is expedient, to encourage the silk manufactures in this kingdom, that a bounty should be allowed upon the exportation of silk gauzes into foreign parts*; be it therefore enacted, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, the same bounty shall be allowed and paid upon the exportation of gauzes made of silk only in *Great Britain*, as is allowed and paid, by the said recited act, upon the exportation of ribbons and stuffs of silk, in the same manner as if gauzes had not been excepted therein, any thing in the said recited act to the contrary notwithstanding.

From Aug. 1, 1785, a bounty to be allowed upon the exportation of silk gauzes;

XII. And it is hereby further enacted by the authority aforesaid, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, the duty imposed upon raw silk, by an act made in the last session of parliament, intituled, *An act for granting additional duties upon raw and thrown silk imported into* Great Britain, *and upon lead exported from* Great Britain *into parts beyond the seas*; *and for allowing a drawback upon the exportation of silks, and stuffs mixed with silk*, shall be drawn back and repaid upon the exportation of such raw silk to any part of *Europe* (except the *Isle of Man*, and the islands of *Faro* or *Ferro*) under such rules, ways, and methods, as the duty of customs upon foreign goods is allowed to be drawn back and repaid upon exportation, except where any alteration is made by this act.

and a drawback upon the exportation of raw silk.

XIII. Provided always, and it is hereby further enacted by the authority aforesaid, That the said drawback shall not be paid, in any case, until a certificate shall be produced, to the collector and comptroller of the customs at the port from whence such silk was exported, under the hand and official seal of a *British* consul residing at the port or place for which such silk was entered for exportation, certifying that such silk was landed there; and in case there shall not be any *British* consul resident at such place, then upon the like certificate, under the hand and official seal of the chief magistrate for and resident at such place.

The drawback not to be allowed until a proper certificate be produced to the officer.

CAP. LXX.

An act to rectify a mistake in an act, passed in this present session of parliament, intituled, An act to repeal the duties on male servants; and for granting new duties on male and female servants.

WHEREAS *by an act, made in this present session of parliament, intituled,* An act to repeal the duties on male servants; and for granting new duties on male and female servants, *it is enacted, That every person who shall have living in their*

Preamble. Recital of c. 43. of this session.

houses two or more lawful children or grand children, under the age of fourteen years, shall, in respect of every two such lawful children or grand children, be exempted from the payment of the duties by the said act imposed for one female servant; that is to say, If any person having two such lawful children or grand children shall have one female servant, and not more, he or she shall be wholly exempted from the duty thereby imposed; if any person having four such lawful children or grand children, shall have two female servants, and not more, he or she shall pay for one female servant, at the same rate as if he or she retained only one female servant, and no more, and so in proportion for any greater number, abating one female servant, and lowering the rate of duty, in the manner therein-before provided, for every two such children or grand children: and whereas it was intended that all persons should be exempted from the payment of the duties by the said act imposed, in respect of one female servant, and no more, for every two lawful children or grand children, living in their houses, under the age of fourteen years; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That every person, who shall have living in their houses two or more lawful children or grand children, under the age of fourteen years, shall, in respect of every two such lawful children or grand children, be exempted from the payment of the duties by the said act imposed for one female servant; that is to say, If any person, having two such lawful children or grand children, shall have one female servant, and not more, he or she shall be wholly exempted from the duty thereby imposed; if any person, having two such lawful children or grand children, shall have two female servants, and not more, he or she shall pay for one female servant, at the same rate as if he or she retained only one female servant, and no more, and so in proportion for any greater number, abating one female servant, and lowering the rate of duty in the manner in the said recited act provided, for every two such children or grand children.

Persons having children or grand children, to be exempted payment for one female servant for every two such children, etc.

CAP. LXXI.

An act for extending the time limited, by an act of this session, for delivering in navy, victualling, and transport bills.

Recital of c. 32. of this session. Navy bills, &c. to be taken in until Aug. 31, 1785.

CAP. LXXII.

An act for repealing the duties on linens to be printed, painted, stained, or dyed in Great Britain, *imposed by an act made in the last session of parliament, and for granting other duties in lieu thereof; and on cotton stuffs, muslins, fustians, velvets, and velverets, wove in* Great Britain, *to be printed, stained, painted, or dyed; and upon the importation of linens, cotton stuffs, muslins, fustians, velvets, and velverets, printed, stained, painted, or dyed in foreign parts.*

WHEREAS

WHEREAS *by an act made in the last session of parliament, intituled,* An act for granting to his Majesty additional duties on linens, printed, painted, stained, or dyed in *Great Britain*; and for granting certain duties on cotton stuffs bleached or dyed in *Great Britain*; and on licences for bleaching or dying the same; and upon the importation of stuffs made of, or mixed with cotton, not printed, painted, stained, or dyed in foreign parts), *among other things, a duty of three farthings for every yard in length, reckoning yard wide, and after that rate for a greater or lesser quantity, was laid upon all linens wholly made of hemp or flax, to be printed, painted, stained, or dyed in* Great Britain, *(such linens as should be dyed throughout of one colour only always excepted), which said duty was subject to three additional imposts of five pounds* per centum *each, as in the said act is mentioned; and certain other duties were by the said act granted, which, having been found inconvenient, have been repealed by an act of this present session of parliament, whereby it is become necessary to provide a sufficient fund for the payment of such incumbrances as were by the said act of the last session of parliament charged on those duties:* therefore, we, your Majesty's most loyal and dutiful subjects, the commons of *Great Britain* in parliament assembled, think it will be for the advantage of the publick to repeal the herein-before mentioned duties upon linens, wholly made of hemp or flax, to be printed, painted, stained, or dyed in *Great Britain*, and in lieu thereof, and of the said duties repealed by the said act of this present session of parliament, to grant unto your Majesty the several duties herein-after mentioned; and therefore do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *August*, one thousand seven hundred and eighty-five, the said duties upon linens wholly made of hemp or flax, to be printed, painted, stained, or dyed in *Great Britain*, by the said act granted, shall cease and determine, and be no longer paid or payable. Preamble. 24 Geo. 3. c. 40. Former duties repealed.

II. And be it further enacted by the authority aforesaid, That from and after the said first day of *August*, one thousand seven hundred and eighty-five, there shall be raised, levied, collected, and paid, to and for the use of his Majesty, his heirs and successors, for and upon all linens, and stuffs made of cotton mixed with other materials, stuffs wholly made of cotton wool, wove in *Great Britain*, *British* muslins, and fustians, velvets, velverets, dimities, and other figured stuffs made of cotton and other materials mixed, or wholly made of cotton wool, wove in *Great Britain*, and foreign muslins, which, at any time or times after the first day of *August*, one thousand seven hundred and eighty-five, shall be printed, stained, painted, or dyed in *Great Britain*, (except such calicoes, linens, and fustians, as shall be dyed throughout of one colour only, and except such stuffs whereof the greater part in value shall be woollen), the additional

From Aug. 1, 1785, the following duties to be paid for all linens, mixed stuffs, cotton stuffs, foreign muslins, etc. which shall be printed, etc. in Great Britain:

(Exception.

additional rates and duties herein-after expreſſed, over and above all other duties payable for the ſame; that is to ſay,

For all linens printed, etc. (except thoſe dyed throughout of one colour) of greater value than 16d. and not more than 2s. 6d. per yard, — 1d. 2q. per yard:

For and upon all linens to be printed, ſtained, painted, or dyed, (except ſuch linens as ſhall be dyed throughout of one colour only), which ſhall be of greater value than ſixteen-pence, and not of greater value than two ſhillings and ſixpence by the yard in length, at the ready money price, either in *London*, or at the neareſt market town to the place where the ſame were manufactured, before they are printed, ſtained, painted, or dyed, the ſum of one penny halfpenny for every yard ſquare, and after that rate for a greater or leſſer quantity:

for all linens printed, etc. worth more than 2s. 6d. per yard, — 3d. per yard:

For and upon all linens to be printed, ſtained, painted, or dyed, (except as before excepted), which ſhall be of greater value than two ſhillings and ſixpence by the yard in length, at the ready money price, either at *London*, or at the neareſt market town to the place where the ſame were manufactured, before they are printed, ſtained, painted, or dyed, the ſum of three-pence for every yard ſquare, and after that rate for a greater or leſſer quantity:

for all mixed or cotton ſtuffs, valued at more than 20d. and not more than 3s. per yard, — 2d. per yard:

For and upon all ſtuffs made of cotton and other materials mixed, and ſtuffs wholly made of cotton wool, wove in *Great Britain*, commonly called *Britiſh Manufactory*, to be printed, ſtained, painted, or dyed, (except as before excepted), which ſhall be of greater value than twenty-pence, and not of greater value than three ſhillings by the yard ſquare, at the ready money price, at *London*, or at the neareſt market town to the place where the ſame were manufactured, before they are printed, ſtained, painted, or dyed, the ſum of two-pence by the yard ſquare, and after that rate for a greater or leſſer quantity:

for all mixed or cotton ſtuffs, worth more than 3s. per yard, — 4d. per yard:

For and upon all ſtuffs made of cotton and other materials mixed, and ſtuffs wholly made of cotton wool, wove in *Great Britain*, commonly called *Britiſh Manufactory*, to be printed, ſtained, painted, or dyed, (except as before excepted), which ſhall be of greater value than three ſhillings by the yard ſquare, at the ready money price, either at *London*, or at the neareſt market town to the place where the ſame were manufactured, before they are printed, ſtained, painted, or dyed, the ſum of four-pence by the yard ſquare, and after that rate for a greater or leſſer quantity:

for all Britiſh muſlins, worth more than 20d. and not more than 3s. — 2d. per yard:

For and upon all muſlins made in *Great Britain*, to be printed, ſtained, painted, or dyed, (except as before excepted), which ſhall be of greater value than twenty-pence, and not of greater value than three ſhillings by the yard ſquare, at the ready money price, either at *London*, or at the neareſt market town to the place where the ſame were manufactured, before they are printed, ſtained, painted, or dyed, the ſum of two-pence for every yard ſquare, and after that rate for a greater or leſſer quantity:

for all Britiſh muſlins, worth more

For and upon all muſlins made in *Great Britain*, to be printed, ſtained, painted, or dyed, (except as before excepted), which ſhall

shall be of greater value than three shillings by the yard square, at the ready money price, either at *London*, or at the nearest market town to the place where the same were manufactured, before they are printed, stained, painted, or dyed, the sum of four-pence by the yard square, and after that rate for a greater or lesser quantity:

than 3s. per yard, — 4d. per yard:

For and upon all fustians, velvets, velverets, dimities, and other figured stuffs made of cotton and other materials mixed, or wholly made of cotton wool, wove in *Great Britain*, to be printed, stained, painted, or dyed, (except as before excepted), the sum of three halfpence by the yard square, whatever the price of the same may be, and in that proportion for a greater or lesser quantity:

for all fustians, velvets, etc. wove in Great Britain, 1d. 2q. per yard:

For and upon all foreign muslins to be printed, stained, painted, or dyed, (except such as shall be dyed throughout of one colour only), which shall be of greater value than twenty-pence, and not of greater value than three shillings by the yard square, at the ready money price, either at *London*, or at the nearest market town to the place where the same shall be presented to the officer appointed to take an account thereof, before they are printed, stained, painted, or dyed, the sum of four-pence for every yard square, and after that rate for a greater or lesser quantity:

For all foreign muslins to be printed, etc. worth more than 20d. and not more than 3s. per yard, — 4d. per yard:

For and upon all foreign muslins to be printed, stained, painted, or dyed, (except such as shall be dyed throughout of one colour only), which shall be of greater value than three shillings by the yard square, at the ready money price, either at *London*, or at the nearest market town to the place where the same shall be presented to the officer appointed to take an account thereof, before they are printed, stained, painted, or dyed, the sum of eight-pence by the yard square, and after that rate for a greater or lesser quantity.

for all such foreign muslins of greater value than 3s. per yard, — 8d. per yard.

III. And be it further enacted by the authority aforesaid, That the said several duties herein-before mentioned shall be subject and liable to the additional duties or imposts of five pounds *per centum*, five pounds *per centum*, and five pounds *per centum* on the produce and amount thereof respectively, in the same manner, and under the same regulations, as the additional duties of five pounds *per centum*, five pounds *per centum*, and five pounds *per centum*, are granted to his Majesty by three several acts of parliament, made in the nineteenth, twenty-first, and twenty-second years of his present Majesty's reign.

New duties to be subject to the additional imposts of 5 per cent. on the amount thereof, granted by 19 Geo. 3. c. 25.; 21 Geo. 3. c. 17.; and 22 Geo. 3. c. 66.

IV. And be it further enacted by the authority aforesaid, That the said duties by this act imposed upon all linens, and stuffs made of cotton mixed with other materials, stuffs wholly made of cotton wool, wove in *Great Britain*, *British* muslins and fustians, velvets, velverets, dimities, and other figured stuffs made of cotton and other materials mixed, or wholly made of cotton wool, wove in *Great Britain*, or upon foreign muslins printed, stained, painted, or dyed, in *Great Britain*, shall, from time

Duties on linens, etc. to be collected and recovered in the same manner as those imposed by

time to time, be raised, levied, ascertained, secured, collected, answered, and paid, by such ways and means, and under such management, and under such penalties and forfeitures, and with the like discounts, allowances, exemptions, and drawbacks, and in such manner and form (except as herein-after is otherwise excepted), as the duties imposed upon silks, calicoes, linens, and stuffs, printed, stained, painted, or dyed, by an act made in

10 Annæ, c. 19; the tenth year of the reign of Queen *Anne*, *for laying several duties upon sope, paper, chequered and figured linens, and upon certain silks, calicoes, linens, and stuffs, printed, painted, or stained*, (amongst other things thereby charged), towards raising the sum of one million eight hundred thousand pounds, therein mentioned; or by another act, made in the twelfth year of the reign of

12 Annæ, c. 9; Queen *Anne*, *for laying additional duties on sope and paper, and upon certain linens, silks, calicoes, and stuffs*, (amongst other things thereby charged), towards raising the sum of one million four hundred thousand pounds, therein mentioned; or by another act of parliament, made in the fourteenth year of the reign of

and 14 Geo. 3. c. 72, etc. his present Majesty, *for ascertaining the duty on printed, painted, stained, or dyed stuffs, wholly made of cotton, and manufactured in* Great Britain, *and for allowing the use and wear thereof, under certain regulations*; or by any other act or acts of parliament now in force, relating to the said duties, or any of them, are to be raised, levied, ascertained, secured, collected, answered, and paid, save and except in such cases where it is otherwise provided for by this act.

On or before Aug. 1, 1785, stamps to be distributed by the commissioners for managing the duties on linens, etc.

V. *And, for the better securing the said duties by this act granted*, be it further enacted by the authority aforesaid, That such proper stamps or seals shall, on or before the first day of *August*, one thousand seven hundred and eighty-five, be provided and distributed by the commissioners for managing the several duties by the said former acts, and by this act, chargeable on the commodities aforesaid, as may serve to denote the payment or charging of the several duties by this act, and the said former acts, chargeable on the same commodities respectively; and that the said stamps or seals, by this act directed to be provided, shall be used and applied accordingly, and shall and may, from time to time, be renewed or altered, by the said commissioners as often as they shall see fit to alter the same.

Provisions of former acts for raising the duties hereby enlarged, extended to this act.

VI. And be it further enacted by the authority aforesaid, That all the powers, authorities, rules, directions, pains, penalties, and forfeitures, clauses, matters, and things whatsoever, contained in the said several acts of the tenth and twelfth years of the reign of Queen *Anne*, and the fourteenth year of the reign of his present Majesty, for raising, ascertaining, receiving, levying, recovering, securing, and paying, the duties on such commodities as are by this act charged with additional duties, touching the stamps thereby or hereby directed, shall be continued, practised, and put in execution, for raising, ascertaining, receiving, levying, recovering, securing, and paying the additional duties by this act charged upon the same commodities,

and

and all arrearages thereof, as fully and effectually, to all intents and purposes, as if they were at large repeated in this present act.

VII. Provided always, and be it further enacted by the authority aforesaid, That if any person or persons shall, after the first day of *August*, one thousand seven hundred and eighty-five, print, stain, paint, or dye any such linens, or stuffs made of cotton mixed with other materials, stuffs wholly made of cotton wool, wove in *Great Britain*, *British* muslins or fustians, velvets or velverets, dimities, or other figured stuffs, made of cotton and other materials mixed, or wholly made of cotton wool, wove in *Great Britain*, foreign calicoes, and foreign muslins, without giving or leaving at the next office of excise for the said duties, such notice in writing as by the said act, in the tenth year of the reign of Queen *Anne*, is required, he, she, or they shall, for every neglect by not giving such notice, forfeit the sum of fifty pounds. Penalty on printing linens, etc. without leaving notice thereof at the next office of excise.

VIII. And be it further enacted, That if any person or persons, who shall print, stain, paint, or dye, any such commodities aforesaid, shall obstruct or hinder any officer for the said duties in the execution of the powers given by this act for ascertaining and securing the said duties, the offender therein, for every such offence, shall forfeit the sum of two hundred pounds. Penalty on persons obstructing officers in the execution of their duty.

IX. And be it further enacted by the authority aforesaid, That if any printer, stainer, painter, or dyer of any such commodities aforesaid, chargeable by this act, shall begin to print, stain, paint, or dye the same, before the same shall have been measured and marked at both ends thereof by the officer of excise, with a frame mark, denoting the measure thereof, then, and in every such case, the said commodities so printed, stained, painted, or dyed, before being so measured and marked by the officer, shall be forfeited, and the printer, stainer, painter, or dyer, in whose possession the same shall be found, shall forfeit twenty pounds for every piece. Penalty on printing, etc. before the commodity has been measured and marked by excite officer.

X. And be it further enacted by the authority aforesaid, That no person or persons, who shall print, stain, paint, or dye, any of the commodities aforesaid, chargeable with the said duties by this act, shall remove, carry, or send away, or suffer to be removed, carried, or sent away, any of the commodities aforesaid chargeable by this act, by him, her, or them, printed, stained, painted, or dyed, until such time as the proper officer shall have taken an account of any particular quantity of such commodities aforesaid, so to be carried away, and until every particular piece or parcel, or remnant, of the same respectively, be duly marked at both ends thereof with a stamp or seal, or stamps or seals, denoting the charging the duty as this act directs, on pain of forfeiting the sum of fifty pounds for every such offence; and that all such commodities aforesaid, so carried away, without being marked with a stamp or seal, or stamps or seals, denoting the charging the said duties, and being found in the possession of any draper, or other trader or dealer therein, or Penalty on removing commodities before they are stamped by proper officer. Such commodities forfeited, if found in the possession of any draper, etc.

or of any person for the use of such draper, trader, or dealer, for sale, shall be forfeited, and may be seized by any officer of excise.

Penalty on defacing the frame mark.

XI. And be it further enacted by the authority aforesaid, That in case any printer, stainer, painter, or dyer of such commodities aforesaid, shall wilfully cut out, obliterate, or deface, or wilfully suffer to be cut out, obliterated, or defaced, the frame mark put by the officer on any piece of such commodities aforesaid, to denote the measure thereof, every such printer, stainer, painter, or dyer, shall forfeit the sum of fifty pounds for every piece on which the said frame mark shall be so wilfully cut out, obliterated, or defaced.

Commodities not surveyed to be kept separate from those surveyed.

XII. And be it further enacted, That every printer, stainer, painter, and dyer, of such commodities aforesaid, shall, from time to time, keep so much of the same commodities as shall not have been surveyed and taken an account of by the proper officer, separate and apart from all others of the same kind which shall have been surveyed and taken an account of by such officer, on pain to forfeit, for every such offence, the sum of fifty pounds.

Penalty on concealing commodities with intent to evade the duties.

XIII. And be it enacted by the authority aforesaid, That if any printer, stainer, painter, or dyer, shall fraudulently hide or conceal, or cause to be hid or concealed, any such commodities aforesaid, before or after the same are printed, stained, painted, or dyed, with intent to deceive his Majesty of his just duties by this act granted, then, and in every such case, the party so offending shall forfeit the sum of fifty pounds for every such offence; and all such commodities aforesaid, which shall be found in any private workhouse or other place, whereof no notice shall have been given to the officer of excise, as by the said act, made in the tenth year of the reign of Queen *Anne*, is required, shall be forfeited, and may be seized by any officer of excise.

Penalty on keeping commodities in any place whereof no notice shall have been given to the officer.

XIV. And be it further enacted by the authority aforesaid, That no printer, stainer, painter, or dyer, shall keep any such commodities aforesaid, marked with a stamp or seal, or stamps or seals, denoting the charging the duties thereon, or unmarked, in any warehouse, room, or place, whereof no notice shall have been given to the officer of excise, as by the said act, made in the tenth year of the reign of Queen *Anne*, is required; and if any such commodities aforesaid, stamped or unstamped, shall be found in the possession of any printer, stainer, painter, or dyer, in any warehouse, room, or place, whereof no notice shall have been given to the officer of excise as aforesaid, then, and in every such case, the party so offending shall forfeit the sum of fifty pounds for every such offence; and all the commodities aforesaid, so found shall be forfeited, and may be seized by any officer of excise.

Utensils liable to duties in arrears, and penalties and forfeitures.

XV. And be it further enacted by the authority aforesaid, That all the utensils and instruments for the printing, staining, painting, or dying of any such commodities aforesaid, in custody of any such printer, stainer, painter, or dyer, as aforesaid, or of any

any person or persons to the use of, or in trust for them, or any of them, shall be liable to, and are hereby made chargeable with, all the debts and duties in arrear and owing by such printer, stainer, painter, or dyer, for any such commodities aforesaid, printed, stained, painted, or dyed by him or them, or in his or their workhouse or places aforesaid; and shall be also subject to all penalties and forfeitures incurred by such person or persons so using such workhouse or other place, for any offence against this act relating to the duties on such commodities aforesaid, so printed, stained, painted, or dyed; and it shall and may be lawful, in all such cases, to levy debts and penalties, and use such proceedings, as may lawfully be done by this act, in relation to such commodities, in case the debtor or offender were the true and lawful owner of the same.

XVI. *And, for the better ascertaining, charging, collecting, levying, raising, and securing the several duties by this act imposed upon all linens, and stuffs made of cotton mixed with other materials, stuffs wholly made of cotton wool, wove in* Great Britain, British *muslins and fustians, velvets, velverets, dimities, and other figured stuffs, made of cotton and other materials mixed, or wholly made of cotton wool, wove in* Great Britain, *and upon foreign muslins, printed, stained, painted, or dyed in* Great Britain, *and for preventing frauds concerning the same*; be it further enacted by the authority aforesaid, That such of the said duties as are chargeable upon such commodities printed, stained, painted, or dyed in *England* and *Wales*, or *Berwick upon Tweed*, shall be under the management of the commissioners and officers of excise in *England* for the time being; and such of the said duties as are chargeable upon such commodities printed, stained, painted, or dyed in *Scotland*, shall be under the management of the commissioners and officers of excise in *Scotland* for the time being. Duties to be under the management of the commissioners of excise.

XVII. And be it further enacted by the authority aforesaid, That the respective commissioners of excise shall, on or before the first day of *August*, one thousand seven hundred and eighty-five, provide proper frames to denote the measure of such commodities aforesaid, and proper stamps or seals to denote the charging the duties thereon, and shall cause the said respective frames, stamps, and seals, to be distributed to the respective officers for the several purposes before mentioned; which officers are hereby enjoined and required, in using the same, to do no hurt or damage, or the least damage that may be to the commodities to be so marked or stamped; and the said stamps, or any of them, may be altered or renewed from time to time as the said respective commissioners shall from time to time think fit: and if any person or persons whatsoever shall, at any time or times hereafter, counterfeit or forge any stamp or seal to resemble any stamp or seal which shall be provided, in pursuance of this act, to denote the charging the duties on the said linens, stuffs made of cotton mixed with other materials, stuffs wholly made of cotton wool, wove in *Great Britain*, *British* muslins and fustians, velvets, velverets, dimities, and other figured stuffs, On or before Aug. 1, 1785, commissioners to provide frame-marks to denote the measure, and stamps to denote the duties. Persons fraudulently counterfeiting stamps,

made of cotton and other materials mixed, or wholly made of cotton wool, wove in *Great Britain*, foreign calicoes, or foreign muſlins, printed, ſtained, painted, or dyed in *Great Britain*, or ſhall counterfeit or reſemble the impreſſion of the ſame upon any of the ſaid goods chargeable by this act, thereby to defraud his Majeſty, his heirs or ſucceſſors, of the ſaid duty hereby granted; then every perſon ſo offending, being thereof convicted in due form of law, ſhall be adjudged a felon, and ſhall ſuffer death as in caſes of felony, without benefit of clergy: and if any perſon or perſons ſhall, at any time or times hereafter, ſell any ſuch commodities aforeſaid with a counterfeit ſtamp thereon, knowing the ſame to be counterfeited, and with an intent to defraud his Majeſty, his heirs and ſucceſſors, all and every ſuch offender and offenders, their aiders, abettors, and aſſiſtants, being duly convicted as aforeſaid, ſhall, for every ſuch offence, forfeit and loſe the ſum of one hundred pounds, and ſhall be adjudged to ſtand in the pillory in ſome publick place for the ſpace of two hours.

to ſuffer death as felons.

Penalty on perſons ſelling commodities with a counterfeit ſtamp.

XVIII. And be it further enacted by the authority aforeſaid, That at any time or times, upon oath made by any credible perſon or perſons, that he, ſhe, or they have reaſon to ſuſpect or believe that any ſuch linens, or ſtuffs made of cotton mixed with other materials, or ſtuffs wholly made of cotton wool, wove in *Great Britain*, or *Britiſh* muſlins, or fuſtians, velvets, velverets, dimities, or other figured ſtuffs, made of cotton and other materials mixed, or wholly made of cotton wool, wove in *Great Britain*, or foreign calicoes, foreign muſlins called *Coſſaes*, or other foreign muſlins, printed, ſtained, painted, or dyed in *Great Britain*, for which a duty ought to have been paid or charged by this act, or which ought to have been ſtamped as by this act is directed, are or ſhall be in the cuſtody or poſſeſſion of any draper, or other perſon or perſons trading or dealing therein, or of any perſon or perſons for the uſe or account of ſuch draper, or other trader or dealer, for ſale, without having thereupon ſuch ſtamps or ſeals as are by this act required to denote the payment or charging the ſaid duties thereupon; it ſhall and may be lawful for the reſpective commiſſioners of exciſe, or any two of them, within their reſpective limits, or for any two juſtices of the peace in any other parts in *Great Britain*, from time to time to iſſue their reſpective warrants or orders, thereby authorizing and requiring any officer or officers of exciſe, with the aſſiſtance of a conſtable, or other officer of the peace, in the day-time, to ſearch for the ſame, and to open doors, cheſts, trunks, and packages, and to ſeize ſuch linens, or ſtuffs made of cotton mixed with other materials, or ſtuffs wholly made of cotton wool, wove in *Great Britain*, or *Britiſh* muſlins, or fuſtians, velvets, velverets, dimities, or other figured ſtuffs, made of cotton and other materials mixed, or wholly made of cotton wool, wove in *Great Britain*, or foreign calicoes, or foreign muſlins, called *Coſſaes*, or other foreign muſlins, printed, ſtained, painted, or dyed in *Great Britain*, and to bring them

If ſtuffs are ſuſpected to be in the cuſtody of a draper, &c. unſtamped, the commiſſioners, &c. may iſſue their warrants to ſearch for the ſame, and if found, are forfeited.

them to the excise office next to the place where they shall be seized, and that every such warrant shall be obeyed and executed accordingly; and such commodities aforesaid, so found unstamped in the possession of such draper, trader, or dealer, for sale, or other person for the use of such draper, trader, or dealer, for sale, shall be forfeited.

Cotton stuffs not having three blue threads in each selvage, to be deemed foreign calicoes. 14 Geo. 3. c. 72.

XIX. And be it further enacted by the authority aforesaid, That all stuffs wholly made of cotton wool, commonly called or known by the name of *Calicoes*, that have not three blue threads in each selvage, as directed by an act made in the fourteenth year of his present Majesty's reign, (intituled, *An act for ascertaining the duty on printed, painted, stained, or dyed stuffs, wholly made of cotton, and manufactured in* Great Britain, *and for allowing the use and wear thereof, under certain regulations,)* shall be deemed to be foreign calicoes, and on their being printed, stained, painted, or dyed in *Great Britain*, shall be stamped, marked, or sealed at both the ends of each piece or remnant, with a stamp, mark, or seal, containing the following words; *videlicet*, *Foreign Calicoes for Exportation*; and every draper, trader, or dealer for sale, having in his, her, or their custody or possession any such foreign calicoes, printed, stained, painted, or dyed, (except dyed throughout of one colour only,) and not being stamped or sealed at both ends of each piece, as directed by this act, (except such as have been printed, stained, painted, or dyed, before the commencement of this act, and have been stamped or sealed at one end thereof;) or having in his, her, or their custody or possession, any piece of stuffs wholly made of cotton wool, wove in *Great Britain*, commonly called *British Manufactory*, (muslins, neckcloths, and fustians excepted,) not having the blue threads in the selvages, as required by the said act of the fourteenth year of his present Majesty's reign, shall not only forfeit and lose the said goods, or the value thereof, but shall likewise forfeit and lose the sum of two hundred pounds for every piece of such goods found in his custody or possession as aforesaid.

How such stuffs are to be stamped.

Penalty on drapers, etc. having in their possession such foreign calicoes unstamped, etc.

or stuffs called British Manufactory, without the blue threads in the selvages.

Every piece of stuff to be marked before printed, etc.

XX. And be it further enacted, That the owner or printer of any piece, or remnant of a piece, of any cossae, or foreign muslins, and foreign calicoes, shall, before the same are presented to the officer appointed to take an account thereof, mark the same at both ends with a frame or mark, containing in words at length his name and place of abode, and also the name of the goods which they are commonly called or known by, on pain to forfeit the said goods, and the sum of ten pounds for every piece or remnant of such goods that shall be printed, stained, painted, or dyed, (except those that are dyed throughout of one colour only,) without being so marked.

Penalty on neglect.

Name and place of abode of the owner, and name and quality of the goods, to be

XXI. And be it further enacted, That the owner or printer of any piece or remnant of linens, or stuffs made of cotton mixed with other materials, or stuffs wholly made of cotton wool, wove in *Great Britain*, commonly called *British Manufactory*, or muslins plain, chequered, striped, figured, or orna-

 mented,

marked on ſtuffs liable to the duty of 1d. 2q. per yard;

mented, that ſhall be wove in *Great Britain*, except fuſtians, velvets, velverets, dimities, and other figured ſtuffs made of cotton and other materials mixed, or wholly made of cotton wool, wove in *Great Britain*, which are by this act made ſubject to a duty of one penny halfpenny *per* yard ſquare, ſhall mark the ſame at both ends of every piece or remnant, with a frame or mark, containing in words at length his or her name and place of abode, the name and quality of the goods, and the linen and ſtuffs made of cotton and other materials mixed, and ſtuffs wholly made of cotton wool, wove in *Great Britain*, commonly called *Britiſh Manufactory*, with the ready money price or value thereof; (that is to ſay,) if linens, whether the price is more than ſixteen-pence, or more than two ſhillings and ſixpence by the yard in length, or if ſtuffs made of cotton and other materials mixed, or ſtuffs wholly made of cotton wool, wove in *Great Britain*, commonly called *Britiſh Manufactory*, or *Britiſh* muſlins, whether the ready money price or value thereof be more than twenty-pence, and not more than three ſhillings, by the yard ſquare, or whether the ready money price or value thereof be more than three ſhillings by the yard ſquare before the ſame ſhall be preſented to the officer appointed to take an account thereof, to be printed, ſtained, painted, or dyed; and in caſe the owner is not the printer, ſtainer, painter, or dyer, then he ſhall deliver a note in writing with the ſaid linens or ſtuffs to the printer, ſtainer, painter, or dyer, expreſſing the number of pieces, their quality and value as aforeſaid, and the time when delivered to the printer, ſtainer, painter, or dyer; which note the ſaid printer, ſtainer, painter, or dyer, ſhall deliver to the officer who is to take an account of the ſaid linens and ſtuffs, before the ſame ſhall be printed, ſtained, painted, or dyed, (except thoſe that are to be dyed throughout of one colour only,) on pain that every piece or remnant of ſuch linens or ſtuffs, not ſo marked as aforeſaid, ſhall be forfeited, and may be ſeized by any officer of exciſe, and the owner, or other perſon putting out or ſending ſuch piece not ſo marked, ſhall forfeit and loſe the ſum of twenty pounds; and that every printer, ſtainer, painter, or dyer, being the owner, who ſhall print, ſtain, paint, or dye, any of the ſaid linens or ſtuffs, (except ſuch as ſhall be dyed throughout of one colour only,) ſhall, before he begins to print, ſtain, paint, or dye the ſame, mark each piece, or remnant of a piece, at both ends thereof, with a frame or mark, containing in words at length his or her name and place of abode, and alſo the name of the goods which they are commonly called and known by, with the ready money price or value thereof; (that is to ſay,) if linens, whether the price is more than ſixteen-pence, or more than two ſhillings and ſixpence by the yard in length, or if ſtuffs made of cotton and other materials mixed, or ſtuffs wholly made of cotton wool, wove in *Great Britain*, commonly called *Britiſh Manufactory*, or *Britiſh* muſlins, whether the ready money price or value thereof be more

and the ready money price to be marked on goods called Britiſh Manufactory, before preſented to the exciſe officer.

Owner to deliver to the printer, etc. with the ſtuffs, etc. an account of the number, quality, and value of the piecesdelivered, which is to be given to the exciſe officer before printing, etc.

Penalty on neglect of the above mentioned regulations.

more than twenty-pence, and not more than three ſhillings, by the yard ſquare, or whether the ready money price or value thereof be more than three ſhillings by the yard ſquare, before he begins to print, ſtain, paint, or dye the ſame, (except thoſe that are dyed throughout of one colour only,) on pain to forfeit the ſum of twenty pounds for every neglect, and alſo the ſaid linens and ſtuffs not ſo marked as aforeſaid ſhall be forfeited, and may be ſeized by any officer of exciſe; and in caſe ſuch owner, or other perſon ſo putting out or ſending any ſuch linens or ſtuffs to be printed, ſtained, painted, or dyed, as aforeſaid, or any ſuch printer, ſtainer, painter, or dyer, ſhall mark any piece or remnant of ſuch linens or ſtuffs at a price leſs than the real value, or ready money price, as herein-before directed, every ſuch piece or remnant ſhall be forfeited, and may be ſeized by any officer of exciſe, and the owner thereof ſhall forfeit the ſum of twenty pounds for every ſuch offence.

Penalty on marking ſtuffs at a price leſs than the real value.

XXII. *And whereas it may happen in the printing, ſtaining, painting, or dying the commodities aforeſaid, that the frame-marks, ſet thereupon by the officer of exciſe to denote the meaſure thereof, may unavoidably become obliterated or defaced*, be it enacted by the authority aforeſaid, That when the ſaid frame-marks ſhall become obliterated or defaced, the printer, ſtainer, painter, or dyer, who ſhall print, ſtain, paint, or dye the ſaid commodities, ſhall give notice thereof to the officer of exciſe, under whoſe ſurvey he is, and require the ſaid officer to renew the ſaid frame-mark, who ſhall renew the ſame accordingly.

Frame marks unavoidably defaced may be renewed upon notice being given to the exciſe officer.

XXIII. And be it further enacted by the authority aforeſaid, That if any perſon whatſoever ſhall, at any time or times hereafter, counterfeit or forge any frame-mark, to denote the meaſure of any ſuch commodities, directed to be marked by this act, with intent to defraud his Majeſty, his heirs or ſucceſſors, of the duties to be charged thereon, every perſon ſo offending ſhall, for every ſuch offence, forfeit and loſe the ſum of one hundred pounds.

Penalty on counterfeiting the frame mark.

XXIV. And be it further enacted by the authority aforeſaid, That all the powers, authorities, rules, directions, pains, penalties, and forfeitures, clauſes, matters, and things in this act contained, ſhall extend to all ſilks, calicoes, linens, and ſtuffs, of what kind ſoever, or ſtuffs wholly made of cotton wool, wove in *Great Britain*, commonly called *Britiſh Manufactory*, printed, ſtained, painted, or dyed in *Great Britain*, and ſhall be practiſed and put in execution for raiſing, aſcertaining, receiving, levying, recovering, ſecuring, and paying the duties impoſed upon all ſilks, calicoes, linens, and ſtuffs of what kind ſoever, or ſtuffs wholly made of cotton, printed, ſtained, painted, or dyed in *Great Britain*, by the ſaid acts made in the tenth and twelfth years of the reign of *Queen Anne*, and in the fourteenth year of the reign of his preſent Majeſty, or by any of them.

Proviſions of this act ſhall extend to the duties impoſed upon ſilks, etc. by 10 Anne, c. 19. 12 Anne, c. 9. and 14 Geo. 3. c. 72.

XXV. *And whereas the duties impoſed by the ſaid act, made in*

the last session of parliament, upon stuffs made of cotton and linen mixed, and stuffs wholly made of cotton wool, wove in Great Britain, *and bleached or dyed in* Great Britain, *have been paid for divers quantities of such stuffs which may hereafter be printed, stained, painted, or dyed in* Great Britain, *and thereby become chargeable with the duties by this act imposed upon such stuffs to be printed, stained, painted, or dyed in* Great Britain, *and it is reasonable that, upon payment of the duties by this act imposed upon such stuffs, when printed, stained, painted, or dyed, an allowance should be made for the duties before paid in pursuance of the said act, made in the last session of parliament, for the same stuffs when bleached or dyed*; be it therefore enacted by the authority aforesaid, That it shall be lawful for any printer, stainer, painter, or dyer of such stuffs, as aforesaid, who, after the first day of *August*, one thousand seven hundred and eighty-five, shall print, stain, paint, or dye any of the said stuffs, made of cotton and linen mixed, or stuffs wholly made of cotton wool, wove in *Great Britain*, that shall have been charged with the duties imposed by the said act, on their being bleached, and shall have the mark or seal thereon, denoting the said duties to have been charged, and also the frame-marks thereon, or for the owner of the same stuffs, when the duties by this act granted shall be charged upon the same stuffs, on their being printed, stained, painted, or dyed, to make application to any two or more commissioners of excise in *England* or *Scotland* respectively, if such stuffs, or stuffs made of cotton as aforesaid, shall be printed, stained, painted, or dyed within the limits of the chief office of excise in *London* or *Edinburgh* respectively, or in other places in *Great Britain*, to any two or more justices of the peace within whose jurisdiction such stuffs, or stuffs made of cotton as aforesaid, shall be printed, stained, painted or dyed, for a drawback or allowance of the duties before paid upon the bleaching the same stuffs respectively, upon the terms, and in the manner herein-after mentioned; that is to say, such printer, stainer, painter, or dyer, or such owner, after having given twelve hours notice, in writing, to the officer appointed by the commissioners for that purpose, shall produce to the said officer every piece of such stuffs, or stuffs made of cotton as aforesaid, and shew to such officer the stamps or seals, denoting the charging the duties upon the bleaching thereof, at both ends thereof, and also the frame-marks at both ends thereof; and the said officer shall take off the same seals or stamps, and the frame-marks, from both ends of every such piece, and thereupon such officer shall give the said printer, stainer, painter, or dyer, or such owner, a certificate, without fee or reward, or other charge, except such stamp duties as may be required by law, expressing the quantities and kinds of such stuffs, or stuffs made of cotton as aforesaid, and that the stamps or seals, denoting the said duties to have been charged, and the frame-marks, were upon such pieces when the same were produced to him, and that

A drawback of the duties paid under the act of last session on goods chargeable with new duties, to be obtained upon application in the manner herein prescribed.

that he had taken off such stamps or seals, and frame-marks, and that the duties by this act chargeable had been charged upon the same.

Persons applying for an allowance of duties paid under former act, to give previous notice to the collector or supervisor of excise.

XXVI. Provided always, That every such printer, stainer, painter, or dyer, or such owner as aforesaid, who shall apply for an allowance of the said duties paid upon the bleaching the said stuffs, or stuffs made of cotton as aforesaid, shall give notice, in writing, of his intention to apply for the same, unto the collector or supervisor of excise of the district within which such application shall be made, fourteen days before such application, to the commissioners of excise, or justices of the peace respectively, in order that such collector or supervisor may attend, if he thinks fit, to shew unto the commissioners or justices respectively any reason against the making such allowances; and such printer, stainer, painter, or dyer, or his chief workman, or such owner as aforesaid, shall make oath (or, being a Quaker, affirmation) before the commissioners or justices respectively, that he verily believes that the said duties upon bleaching such stuffs, or stuffs made of cotton as aforesaid, have been paid, and that the duties by this act imposed upon the printing, staining, painting, or dying the same stuffs, or stuffs made of cotton respectively, have been charged thereupon, and that such notice as aforesaid had been given to the said officer to take off the stamps or seals, and frame-marks, and also such notice as aforesaid given to the collector or supervisor of the application being intended to be made; which oath or affirmation such commissioners or justices are hereby authorised and required to administer; and thereupon it shall be lawful for the said two or more commissioners of excise, or two or more justices respectively, being satisfied of the truth thereof, and no sufficient reason being shewn to them to the contrary, upon such certificate as aforesaid, from the officer appointed to examine the said goods, being produced to them, to order the collector of the duties by this act granted, to pay out of the money in his hands arising by the said duties, unto such printer, stainer, painter, or dyer, or such owner, so much money as the duties paid upon the bleaching the same stuffs, or stuffs made of cotton as aforesaid, amount unto; and if the said collector shall not have money sufficient in his hands to pay the same, the commissioners shall cause the same to be paid out of any monies arising by the said duties by this act granted.

Oath to be made of the duties having been paid, etc.

Commissioners, etc. authorised to administer the oath,

and to order repayment of the duties

Persons who have paid or have bought of those who have paid, the duties, may export linens, ect. to foreign parts.

XXVII. And be it further enacted by the authority aforesaid, That it shall be lawful for any person or persons who shall have paid all his Majesty's duties by this or any former act payable for any such linens, or stuffs made of cotton mixed with other materials, or stuffs wholly made of cotton wool, wove in *Great Britain*, *British* muslins, and fustians, velvets, velverets, dimities, and other figured stuffs made of cotton and other materials mixed, or made of cotton wool, wove in *Great Britain*, or foreign calicoes, or foreign muslins, or coffaes, printed, stained, painted, or dyed in *Great Britain*, or for any person or

persons who shall buy or be lawfully intitled to any such commodities aforesaid, printed, stained, painted, or dyed in *Great Britain*, from the person or persons who actually paid his Majesty's said duties, to export from any lawful quays, and in the lawful hours, any such commodities aforesaid, for which all the duties shall have been paid, to any foreign parts by way of merchandize, upon the terms, and according to the directions herein-after mentioned; that is to say, the person or persons, so intending to export any such commodities aforesaid, shall give twelve hours notice in writing within the limits of the chief office of excise in *London*, and twenty-four hours notice in writing in other places in *Great Britain*, of his intention to pack up in order to be exported any such commodities, and of the time and place when and where he will pack up the same, to the officer or officers of excise who shall be appointed for that purpose by the respective commissioners of excise in *England* or *Scotland*; and such officer or officers shall take care to measure the said goods, and to see that the seals or stamps, denoting the payment of the duties upon such goods, and also the frame-marks upon the same, be taken off from both ends of every piece so intended to be exported, (except as herein-after is excepted;) and every such piece shall be packed up in the presence of such officer or officers, who shall take an account of the kinds and quantities of the commodities aforesaid so intended to be exported, and make a return thereof to the officer who shall be appointed by such commissioners to receive the same at the port of exportation, without any fee or reward for so doing.

Terms of exportation.

XXVIII. Provided always, That the said officer or officers shall not permit to be packed up in order to be exported, and shall not take off such seals or stamps, denoting that the said duties have been paid or charged, from any piece of such commodities aforesaid not having the frame-mark, denoting the measure thereof, distinct and plain at both ends thereof, and not obliterated or defaced, (except as herein-after is excepted,) which frame-mark shall be cut off at the same time as the stamps or seals denoting the payment of the duties; and the person or persons, so intending to export such goods, shall also give six hours notice in writing of the time and place of shipping such goods unto the officer of excise of the place where the same shall be shipped, who shall attend and see the same put on ship-board; and the exporter of the said goods shall also, before the shipping the same, give sufficient security, to be approved of by the commissioners of excise, or the person by them appointed for that purpose, in treble the value of the duty intended to be drawn back, that the particular commodities aforesaid, so intended to be exported, and every part thereof, shall be shipped and exported, and shall not be unshipped, unladed, or laid on land, or put on board any other ship or vessel within *Great Britain*, (shipwreck, and other unavoidable accidents, excepted;) which security the officer of excise of the port

No linens, etc. to be packed up for exportation but under the limitations herein prescribed;

and security to be given for their exportation.

port where the ſaid goods ſhall be exported, is hereby directed to take in his Majeſty's name, and to his Majeſty's uſe; and the ſaid exporter, or his clerk or manager, ſhall make oath (or affirmation, if a Quaker) that he believes the duties upon ſuch goods had been paid, and that ſuch goods are the ſame that are deſcribed in the account ſent as aforeſaid by the officer in whoſe preſence the ſame were packed, to the officer attending the ſhipping, (which oath or affirmation the ſurveyor, or other officer appointed by the commiſſioners for that purpoſe, is hereby authoriſed and required to adminiſter;) and the ſaid ſurveyor or ſupervifor, or other officer aforeſaid, and the officer who attended the ſhipping the ſaid goods, being ſatisfied of the truth thereof, ſhall, within one month after the exportation of the ſaid goods, give to the ſaid exporter, or his clerk or manager, a certificate or debenture expreſſing the quantities and kinds of ſuch goods ſo ſhipped, and that all the duties are paid for the ſame, and that ſecurity hath been given before the ſhipping the ſame for the due exporting the ſame; and ſuch certificate or debenture being produced to the collector of the port where the ſame goods are exported, he ſhall forthwith pay or allow to the perſons ſo exporting the ſame, or their agents, a drawback or allowance of all the duties before paid for ſuch goods ſo exported; and if ſuch collector ſhall not have money in his hands to pay the ſame, then the reſpective commiſſioners of exciſe in *Great Britain* are required to pay the ſaid drawback or allowance out of the duties upon linens or ſtuffs printed, ſtained, painted, or dyed, in *Great Britain*, ariſing by this or either of the ſaid former acts.

Oath to be made that the duties have been paid, etc.

Drawback allowed on exportation.

XXIX. Provided always, That it ſhall be lawful for the officer attending the ſhipping ſuch commodities aforeſaid (if he ſhall think it neceſſary) to open or examine ſuch goods at the port of exportation, in order that he may be ſatisfied that they are the ſame that are deſcribed in the account ſent to him by the officer in whoſe preſence the goods were packed.

Goods may be opened at the port of exportation by the proper officer.

XXX. Provided always, That if, after the ſhipping of any ſuch commodities aforeſaid, and the giving or tendering ſuch ſecurity as aforeſaid in order to obtain an allowance or drawback of the duties charged thereupon, the ſame commodities, or any part thereof, ſhall be unſhipped, unladed, or laid on land, or put into any other ſhip or veſſel within *Great Britain*, (ſhipwreck, and other unavoidable accidents, excepted,) that then, and in every ſuch caſe, over and above the penalty of the bond, which ſhall be levied and recovered to his Majeſty's uſe, all the ſaid commodities aforeſaid, which ſhall be unſhipped, unladed, or laid on land, or put into any other ſhip or veſſel within *Great Britain*, (except as before excepted,) or the value thereof, ſhall be forfeited.

Penalty on unſhipping goods in Great Britain which have been ſhipped for exportation.

XXXI. Provided nevertheleſs, That the exporter of ſuch commodities as aforeſaid, as ſhall have been printed, ſtained, painted, or dyed, before the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, and ſhall have been marked with

Exporters of linens, etc. printed, etc. before Aug. 1, 1785, en-

titled to drawback, though the goods are marked at one end of the piece only.

with a ſtamp or ſeal, or ſtamps or ſeals, denoting the charging the former duties thereon, at one end of each piece only, ſhall, upon the exportation thereof, be intitled to a drawback of the ſaid former duties paid thereupon, upon the terms, and according to the directions herein-before mentioned, notwithſtanding ſuch commodities aforeſaid are marked or ſtamped at one end of each piece only, ſuch exporter making proof, to the ſatisfaction of the officer who ſhall ſee the ſaid goods packed up, that the ſame were printed, ſtained, painted, or dyed, before the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, who ſhall certify that ſuch proof has been made in the account of the ſaid goods, which he is herein-before directed to return to the officer to be appointed by the ſaid commiſſioners to receive the ſame, at the port of exportation.

Duties to be paid into the exchequer ſeparate from all others.

XXXII. And be it further enacted by the authority aforeſaid, That all the monies ariſing by the duties by this act granted ſhall, from time to time, be paid into the receipt of his Majeſty's exchequer, ſeparate and apart from all other duties, and ſhall be applied to the ſame uſes and purpoſes as the duties by this act, and the ſaid other act of this preſent ſeſſion of parliament repealed, were applicable unto.

All the powers, penalties, etc. contained in 12 Car. 2. c. 24. or any other law relating to exciſe duties, for collecting and recovering the duties thereby granted, ſhall be applied in executing this act.

XXXIII. And be it further enacted by the authority aforeſaid, That all and every the powers, authorities, directions, rules, methods, penalties, and forfeitures, clauſes, matters, and things, which in and by an act, made in the twelfth year of the reign of King *Charles* the Second, intituled, *An act for taking away the court of wards and liveries, and tenures* in Capite, *and by knights ſervice, and purveyance, and for ſettling a revenue upon his Majeſty in lieu thereof*, or by any other law now in force relating to his Majeſty's revenue of exciſe, or inland duties under the management of the commiſſioners of exciſe, are provided, ſettled, or eſtabliſhed, for ſecuring, enforcing, managing, raiſing, levying, collecting, paying, mitigating, or recovering, adjudging, or aſcertaining the duties or penalties thereby granted, and for preventing, detecting, and puniſhing frauds relating thereto, (other than in ſuch caſes for which other penalties or proviſions are preſcribed by this act,) ſhall be exerciſed, practiſed, applied, and put in execution in and for the managing, raiſing, levying, collecting, mitigating, adjudging, aſcertaining, recovering, and paying the ſeveral duties hereby granted, as fully and effectually, to all intents and purpoſes, as if all and every the ſaid powers, authorities, rules, directions, methods, penalties, forfeitures, clauſes, matters, and things, were particularly repeated, and again enacted in this preſent act.

Penalties and forfeitures how to be recovered and applied.

XXXIV. And be it further enacted by the authority aforeſaid, That all fines, penalties, and forfeitures, reſpecting the inland duties impoſed by this act, ſhall be ſued for, recovered, levied, or mitigated, by ſuch ways, means, and methods, as any fine, penalty, or forfeiture, is or may be ſued for, recovered, levied, or mitigated, by any law or laws of exciſe, or by action

action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, or in the court of exchequer in *Scotland* reſpectively; and that one moiety of every ſuch fine, penalty, or forfeiture, ſhall be to his Majeſty, his heirs and ſucceſſors, and the other moiety to him or them who ſhall diſcover, inform, or ſue for the ſame.

XXXV. And it is hereby further enacted by the authority aforeſaid, That the ſeveral duties which were impoſed by the herein-before recited act, made in the laſt ſeſſion of parliament, upon all ſtuffs made of or mixed with cotton, not printed, painted, ſtained, or dyed in foreign parts, which ſhould be imported or brought into this kingdom, ſhall, from and after the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, ceaſe, determine, and be no longer paid and payable; and in lieu and in ſtead thereof, there ſhall be raiſed, levied, collected, and paid, to and for the uſe of his Majeſty, his heirs and ſucceſſors, for and upon the ſeveral goods herein-after enumerated, which, from and after the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, ſhall be imported or brought into this kingdom from foreign parts, over and above all cuſtoms, ſubſidies, and duties, already impoſed thereon, the ſeveral and reſpective duties herein-after mentioned; that is to ſay,

From Aug. 1, 1785, the old duties on ſtuffs, etc. imported to ceaſe, and the following to take place in lieu thereof, viz.

For and upon all linens, printed, ſtained, painted, or dyed, in foreign parts (except ſuch linens as ſhall be dyed throughout of one colour only, and except alſo ſuch linens as are prohibited to be uſed or worn in *Great Britain*,) which ſhall be of greater value than ſixteen-pence, and not of greater value than two ſhillings and ſixpence the yard in length, there ſhall be paid the ſum of one penny halfpenny by the yard ſquare:

more than 2s. 6d. per yard,—1d. 2q.

For all linens printed, etc. in foreign parts, (except thoſe dyed throughout of one colour, etc.) above 16d. and not per yard:

And for and upon all ſuch linens (except as before excepted) which ſhall be of greater value than two ſhillings and ſixpence by the yard in length, there ſhall be paid the ſum of three-pence by the yard ſquare:

for all ſuch linens worth more than 2s. 6d. per yard, 3d. per yard:

For and upon all ſtuffs made of cotton and other materials mixed, and all ſtuffs wholly made of cotton wool, printed, ſtained, painted, or dyed in foreign parts (except as before excepted,) which ſhall be of greater value than twenty-pence, and not of greater value than three ſhillings by the yard ſquare, there ſhall be paid the ſum of two-pence by the yard ſquare:

for all cotton or mixed ſtuffs, printed, etc. in foreign parts, from 20d. to 3s. 2d. per yard:

And for and upon all ſuch ſtuffs made of cotton and other materials mixed, and ſtuffs wholly made of cotton wool (except as before excepted,) which ſhall be of greater value than three ſhillings by the yard ſquare, there ſhall be paid the ſum of four-pence by the yard ſquare:

for all ſuch ſtuffs, worth more than 3s. per yard, 4d. per yard:

For and upon all muſlins printed, ſtained, painted, or dyed in foreign parts (except as before excepted,) which ſhall be of greater value than twenty-pence, and not of greater value than three

for all muſlins printed, etc. in foreign parts from 20d. to 3s. per yard, 2d. per yard:

three shillings by the yard square, there shall be paid the sum of two-pence by the yard square:

for all such muslins worth more than 3s. per yard, 4d. per yard:

And for and upon all such muslins (except as before excepted,) which shall be of greater value than three shillings by the yard square, there shall be paid the sum of four-pence by the yard square:

for all fustains, etc. printed, etc. in foreign parts, 1d. ½q. per yard.

And for and upon all fustians, velvets, velverets, dimities, and other figured stuffs, made of cotton and other materials mixed, or made wholly of cotton wool, printed, stained, painted, or dyed in foreign parts, (except as before excepted,) there shall be paid the sum of one penny halfpenny by the yard square, and in the like proportion for any greater or less quantity of such goods respectively: and the said duties shall also be

Duties liable to the additional imposts of 5l. per cent. on the amountthereof, as granted by 19 Geo. 3. c. 25, and 22 Geo. 3. c. 66.

subject and liable to the additional duties or imposts of five pounds *per centum*, and five pounds *per centum*, on the produce and amount thereof respectively, in the same manner, and under the same regulations, as the additional duties of five pounds *per centum*, and five pounds *per centum*, are granted to his Majesty by two several acts of parliament made in the nineteenth and twenty-second years of his Majesty's reign.

Duties on importation of foreign linens to be under the management of commissioners of customs, and drawbacks to be allowed as former drawbacks.

XXXVI. And it is hereby further enacted by the authority aforesaid, That the said duties herein-before granted upon the importation of such foreign linens, cottons, muslins, fustians, velvets, velverets, dimities, and figured stuffs, shall be under the management and direction of the commissioners of his Majesty's customs in *England* and *Scotland* respectively, and shall be drawn back upon the exportation of the same goods; and the said duties and drawbacks shall be raised, levied, collected, recovered, paid, and allowed, in the same manner and form, and under such restrictions, penalties, and forfeitures, and by such rules, ways, and methods, as the former duties and drawbacks for such goods are respectively raised, levied, collected, recovered, paid, and allowed, (except where any alteration is made by this act,) as fully, to all intents and purposes, as if the several clauses, powers, directions, penalties, and forfeitures, in any act or acts of parliament relating thereto, were particularly repeated and again enacted in this act.

Duties on importation of foreign linens, etc. to be ascertained and paid in like manner as for other unrated goods.

XXXVII. Provided always, and it is hereby further enacted, That the before-mentioned duties, which are chargeable upon the importation of such foreign linens, cottons, and muslins, according to the value thereof, shall be ascertained and paid, in the same manner, and the goods shall be subject and liable to the same rules, regulations, restrictions, and forfeitures, that other unrated goods, undervalued by the importer or proprietor, are subject and liable to by any act or acts of parliament now in force.

Limitation of actions.

XXXVIII. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons, for any thing by him or them done

done in pursuance of this act, such action or suit shall be commenced within three months next after the matter or thing done, and shall be laid in the proper county; and the defendant or defendants in such action or suit may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer or otherwise, then such defendant or defendants shall have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs. General issue. Treble costs.

CAP. LXXIII.

An act to declare, that brewers selling beer or ale in less quantities than a cask, containing four gallons and a half, shall not be intitled to any allowance out of the duties of excise for waste or leakage; and for making allowances to distillers of low wines and spirits from malt, corn, or grain, in respect to the duties imposed by an act of the last session of parliament.

WHEREAS, *by two acts of parliament, made in the twelfth year of the reign of King* Charles *the Second, one intituled,* A grant of certain impositions upon beer, ale, and other liquors, for the increase of his Majesty's revenue during his life; *and the other intituled,* An act for taking away the court of wards and liveries, and tenures *in capite*, and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof, *it was among other things, enacted, That every common brewer, not selling beer or ale by retail, for and in consideration of waste by filling and leakage of their beer and ale, should have and be allowed, out of the returns made by the gaugers, the several allowances and abatements after mentioned; that is to say, upon every three and twenty barrels of beer, whether strong or small, returned by the said gaugers, three barrels; and upon every two and twenty barrels of ale, whether strong or small, returned by the gaugers, two barrels: and whereas, by another act of parliament, made in the fifteenth year of the reign of King* Charles *the Second, (intituled,* An additional act for the better ordering and collecting the duty of excise, and preventing the abuses therein,) *it was, among other things, enacted, That no common brewer of beer and ale should sell, deliver, or carry out, any beer or ale to any of his customers, either in whole cask, or by the gallon, before notice given to an excise officer, but between the hours of the day therein mentioned: and whereas, by another act of parliament, made in the first year of the reign of King* William *and Queen* Mary, (*intituled,* An act for an additional duty of excise upon beer, ale, and other liquors,) it *it was among other things, enacted, That the allowances appointed to be made and allowed to the common brewers, other than within the cities of* London *and* Westminster, *and the weekly bills of mortality, for waste by fillings and leakage of their beer and ale, out of the returns* Preamble. Recital of 12 Car. 2. c. 23; and c. 24. 15 Car. 2. c. 11. 1 Gul. & Mar. c. 24.

returns or charges made by the gaugers or other officers, ſhould be two barrels and an half upon every three and twenty barrels of beer and ale, whether ſtrong or ſmall, and no more: and whereas many common brewers, under the clauſe above recited of the ſaid act of the fifteenth year of King Charles *the Second, do ſell great quantities of beer or ale by ſingle gallons, to divers of their cuſtomers, and nevertheleſs claim the aforeſaid allowance, directed to be made, for waſte by fillings and leakage, to common brewers not ſelling beer or ale by retail, by the ſaid two acts of the twelfth year of King* Charles *the Second, or by the ſaid act of the firſt year of King* William *and Queen* Mary; *and it has been doubted whether ſuch brewers, ſo ſelling their beer or ale by ſingle gallons, are intitled to the ſaid allowances; now to remove ſuch doubts,* be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, from and after the fifth day of *July*, one thouſand ſeven hundred and eighty-five, every common brewer, who ſhall ſell beer or ale, or worts, in any leſs quantity, at any one time, than in a whole caſk, containing four gallons and an half, ſhall be deemed to ſell beer or ale by retail, and ſhall not be intitled to the ſaid allowance for waſte by fillings and leakage in the ſaid two acts of the twelfth year of the reign of King *Charles* the Second, and the ſaid act of the firſt year of King *William* and Queen *Mary*, mentioned, nor to any other allowance for or in conſideration of ſuch waſte whatſoever.

From July 5 1785, every perſon ſelling beer, etc. in a leſs quantity than 4 gallons and a half, deemed a retailer.

II. *And whereas by a certain act, made in the laſt ſeſſion of parliament, intituled,* An act to diſcontinue, for a limited time, the payment of the duties upon low wines and ſpirits for home conſumption, and for granting and ſecuring the due payment of other duties in lieu thereof; and for the better regulation of the making and vending *Britiſh* ſpirits, as well for home conſumption as for exportation; and for deſtroying all home made and foreign ſpirits, after the condemnation thereof; and for veſting in his Majeſty the duties of exciſe, within the lands of *Ferentoſh*, in the county of *Inverneſs*; and for diſcontinuing, for a limited time, certain impoſts and duties upon rum and ſpirits imported from the *Weſt Indies: it was enacted, That for and during the ſpace of two years, to be computed from the firſt day of* November, *one thouſand ſeven hundred and eighty-four, all the rates and duties, granted and impoſed upon low wines and ſpirits for home conſumption, in and by any act or acts thentofore made and then in force, ſhould be diſcontinued; and that, in lieu and ſtead thereof, the ſeveral rates and duties in the ſaid act mentioned, ſhould, for and during the ſaid term of two years, be ſubſtituted, charged, and paid, which duties in the ſaid act mentioned are lower in value than the duties by the ſaid act diſcontinued: and whereas, at the time of paſſing the ſaid act, divers diſtillers or makers of low wines and ſpirits from malt, corn, or grain, were poſſeſſed of a large ſtock of ſpirits, diſtilled from malt, corn, or grain, for which the high duties by the ſaid act diſcontinued had been fully paid, and it is reaſonable that*

24 Geo. 3. c. 46. Low wines and ſpirits for home conſumption.

the

some allowance should be made to such distillers, in respect of the high duties so by them paid, for the spirits which were their stock in hand at the time of the passing the said act; but no provision is made in the said act for making such allowance; be it therefore enacted by the authority aforesaid, That it shall be lawful for the commissioners of excise in *England*, or the major part of them, in cases where the said duties were charged within the limits of the chief office of excise in *London*, to pay, out of the money in their hands, arising by the duties by the said act granted, unto such distiller or distillers, any sum or sums of money, not exceeding twenty-two pounds sterling for every two hundred and fifty-two gallons of spirits made from malt, corn, or grain, and so in proportion for a greater or less quantity; and also for the commissioners of excise in *Scotland*, or the major part of them, in cases where the said duties were charged within the limits of the chief office of excise in *Edinburgh*, to pay, out of the money in their hands, arising by the said duties, unto such distiller or distillers, any sum or sums of money, not exceeding a rateable proportion of twenty-two pounds sterling for every two hundred and fifty-two gallons of spirits made from malt, corn, or grain, according to the duties charged thereon in that part of *Great Britain* called *Scotland*; and also that it shall and may be lawful for any two or more justices of the peace for the county, riding, division, or place, in *England* and *Scotland* respectively, within which such duties were charged, in cases where the said duties were charged out of the said respective limits, to order the collector of the said duties to pay, out of the money in his hands, arising by the duties by the said act granted, unto such distiller or distillers, any sum or sums of money, not exceeding twenty-two pounds sterling for every two hundred and fifty-two gallons of spirits made from malt, corn, or grain, and in proportion for a greater or lesser quantity in that part of *Great Britain* called *England*; and in a rateable proportion of twenty-two pounds for every two hundred and fifty-two gallons of spirits made from malt, corn, or grain, according to the duties charged thereon, in that part of *Great Britain* called *Scotland*, according to the respective stock of such distiller or distillers, as the same was taken by the officers of excise respectively, who surveyed the several and respective malt distillers, between the twenty-second day of *October*, in the year one thousand seven hundred and eighty-four, and the commencement of the said act; and if the said collector shall not have money sufficient in his hands to pay the said sums so ordered, the commissioners shall cause the same to be paid out of any monies arising by the said duties.

Allowance not exceeding 22l. for every 252 gallons, to be paid in England, and a rateable proportion of the same sum in Scotland, on the stock in hand between Oct. 22, and November 1, 1784.

III. Provided also, That every such distiller who shall apply for such allowance, shall give notice of his intention to apply for the same, unto the collector or supervisor of excise of the district within which the distillery of such distiller is situated, six days before such application to the commissioners of excise or justices of the peace respectively, in order that such collector or

Six days notice to be given of intention to apply for said allowance.

or supervisor may attend, (if he thinks fit), to shew unto such commissioners or justices, how much the stock of such distiller respectively amounted unto, according to the survey of the officers made in *October*, one thousand seven hundred and eighty-four, as aforesaid.

Application to be made by Nov. 1, 1785.

IV. Provided also, That every such distiller, intending to apply for such allowance as aforesaid, shall apply for the same within six months after the first day of *May*, one thousand seven hundred and eighty-five.

Allowance when ascertained never to be again examined.

V. Provided also, That after any of the said commissioners or justices shall have once ascertained such allowance, the same shall never after be examined into by any other of the commissioners or justices.

Regulations for persons applying for the allowance.

VI. *And whereas an account was taken of the stock in hand, at the several different corn distilleries, by order of the commissioners of excise in* England *and* Scotland *respectively, and by their proper officers, within ten days next preceding the commencement of the new rate of duties chargeable under the said act, and was so taken, cast, and computed, at and after the rate of one to ten over hydrometer proof*; be it enacted by the authority aforesaid, That all and every person, claiming any allowance by way of drawback as aforesaid shall and do present a petition to the commissioners of excise in, *England* and *Scotland* respectively; in which petition shall be stated, not only the amount of the allowance claimed thereby, but also the particular place and places where the spirits on which such drawback is claimed, were made and distilled, the particular period or time, within twelve months last preceding the commencement of the reduced duties, when the stock of the petitioner, at each and every of such place of working, was either entirely out or at the lowest state, (if any was then in hand), the time next after such period when working began at each of such places respectively, and for how long time worts and wash were continued to be brewed and distilled therein respectively, the quantity of wash brewed, and on which the duties on low wines and spirits have been charged, and actually paid by the petitioner, and the whole amount of the duties so respectively paid within such period; and that the quantity of spirits sold and permitted out since the period, within such twelve months, at which the stock was either wholly out, or at the lowest state as aforesaid, together with the stock so remaining in hand, and on which such drawback shall be claimed, (cast and computed at one to ten over hydrometer proof), did not amount to one fifth part of the quantity of wash, on which the duties chargeable on low wines and spirits had been charged, and actually paid by the petitioner within such period, respect being had to the stock in hand, if any was at such lowest state, or when the petitioner so began working; to which petition shall be annexed an affidavit, made and sworn by one or more of the petitioners, before any two or more of the said respective commissioners, or before two or more justices of the peace for the county, riding, division, or place, where such spirits were remaining

Petition to be verified on oath.

remaining in stock, verifying the particulars and matters stated in such petition; and every person or persons, who shall be convicted of making or taking a false oath, to any of the facts herein-before directed or required to be sworn, shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury. Penalty on making false oath.

CAP. LXXIV.

An act for repealing the duty imposed on tea by an act passed in the last session of parliament, and for granting other duties in lieu thereof; for repealing so much of several acts as relates to the removal of tea; for directing the officers of excise to examine and certify the exportation of exciseable commodities; and for better securing the duties on candles.

WHEREAS *by an act, passed in the last session of parliament, intituled,* An act for repealing the several duties on tea, and for granting to his Majesty other duties in lieu thereof; and also several duties on inhabited houses; and upon the importation of cocoa nuts and coffee; and for repealing the inland duties of excise thereon; *it was enacted, That, from and after the fifteenth day of* September, *one thousand seven hundred and eighty-four, the several rates, duties, and other impositions upon tea, imported, sold, or used in this kingdom, should cease, determine, and be no longer paid or payable; and that upon all tea, which, from and after the said fifteenth day of* September, *one thousand seven hundred and eighty-four, should be delivered to the buyers thereof by the united company of merchants of* England *trading to the* East Indies, *there should be paid to the King's majesty, his heirs and successors, by the purchaser or purchasers of such tea, a duty of twelve pounds ten shillings* per centum, *to be computed upon the gross prices at which such tea should be sold; which duty should be paid as in and by that act is in that behalf directed and appointed: and whereas it is expedient that the said duty, by the said act granted upon tea, should be repealed; and in lieu of the said duty, by the said act granted upon tea, to grant unto his Majesty the two new duties of five pounds* per centum, *and seven pounds and ten shillings* per centum, *herein-after mentioned*; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, the said duty, by the said act granted upon tea, shall cease, determine, and be no longer paid or payable; save and except in all cases relating to the recovering any arrears of the said duty, which may at that time remain unpaid, or to any penalty or forfeiture, penalties or forfeitures, relating thereto respectively, which shall have been incurred upon, or at any time before the said first day of *August*, one thousand seven hundred and eighty-five. Preamble. 24 Geo. 3. c. 38. From Aug. 1, 1785, the duty on tea granted by the recited act repealed.

II. And be it further enacted by the authority aforesaid,

New duties in lieu thereof.

That upon all tea which, from and after the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, ſhall be ſold by the ſaid united company, there ſhall be paid to the King's majeſty, his heirs and ſucceſſors, one duty of five pounds *per centum*, to be computed upon the groſs prices at which ſuch tea ſhall be ſold; and alſo one other duty of ſeven pounds and ten ſhillings *per centum*, to be alſo computed upon the groſs prices at which ſuch tea ſhall be ſold; which ſaid duties of five pounds *per centum*, and ſeven pounds and ten ſhillings *per centum*, ſhall be paid, by the purchaſer or purchaſers of ſuch tea, to the ſaid united company, at ſuch time or times as ſhall, by the conditions of ſuch ſales, be from time to time appointed for the payment of the price of ſuch tea to the ſaid united company; and the ſaid united company ſhall at all times, together with the proper officers of the cuſtoms, make up an account of five pounds *per centum*, to be computed upon the groſs prices at which ſuch tea ſhall be ſold, and pay the ſame to the collector inwards of his Majeſty's cuſtoms, within forty days after the expiration of each quarterly ſale; which ſaid duty of five pounds *per centum* ſhall be under the management of the commiſſioners of the cuſtoms for the time being, and ſhall be again drawn back and repaid upon the exportation of ſuch tea to any place where a drawback of the duty on tea is now allowed by law; and the ſaid united company ſhall alſo, at all times, together with the proper officer of exciſe, make up an account of ſeven pounds and ten ſhillings *per centum*, to be computed upon the groſs prices at which ſuch tea ſhall be ſold, and pay the ſame to the commiſſioners of exciſe for the time being, within forty days after the expiration of each quarterly ſale; which laſt mentioned duty ſhall be, and ſhall be deemed and taken to be an inland duty, and ſhall be under the management of the commiſſioners of exciſe for the time being, and ſhall be again drawn back and repaid upon the exportation of ſuch tea to any place where a drawback of the duty on tea is now allowed by law; and ſuch tea ſhall and may, from time to time, be exported to any place or places, where the exportation of tea is now allowed by law, upon the ſame terms and conditions, and under and ſubject to the ſame rules, reſtrictions, regulations, and proviſions, (not otherwiſe directed by this act,) which in and by an act made in the twenty-firſt year of the reign of his late majeſty King *George* the Second, intituled, *An act for permitting tea to be exported to* Ireland, *and his Majeſty's plantations in* America, *without paying the inland duties charged thereupon by an act of the eighteenth year of his preſent Majeſty's reign; and for enlarging the time for ſome of the payments to be made on the ſubſcription of ſix millions three hundred thouſand pounds, by virtue of an act of this ſeſſion of parliament*; or in or by any other act or acts of parliament relating to the exportation of tea, in force at the time of the paſſing of the ſaid act, made in the laſt ſeſſion of parliament, are contained, provided, ſettled, or eſtabliſhed, relating to the exportation of tea; and ſuch rules,

Duty of 5 per cent. to be under the management of commiſſioners of cuſtoms, etc.

Duty of 7l. 10s. per cent. to be under the management of the commiſſioners of exciſe, etc.

21 Geo. 3. c. 14.

rules, restrictions, regulations, and provisions, shall be in full force, and be duly observed, practised, applied, used, and put in execution, throughout the whole kingdom of *Great Britain*, upon such exportation of any such tea, any thing herein, or in any other act or acts of parliament, contained to the contrary in any-wise notwithstanding. Provisions in said act, etc. relative to exportation of tea, to be applied in executing this act.

III. And be it further enacted by the authority aforesaid, That in case the monies by the said act of the last session of parliament, directed to be paid to the receiver general of the customs, (other than the duty on tea hereby repealed,) shall, together with the monies arising by the said duty of five pounds *per centum*, by this act granted, at any time in any one quarter (the necessary costs, charges and expences of raising, receiving, collecting, levying, accounting for, and paying the same being first deducted,) exceed the sum of eighty-seven thousand one hundred and thirty-six pounds, sixteen shillings, and eight-pence farthing, the said receiver general shall pay over such excess or surplus into the hands of the said commissioners of excise for the time being. Receiver general of the customs, in case of a surplus of duties, to pay the same to the commissioners of excise.

IV. And be it further enacted by the authority aforesaid, That all the monies that shall arise by the said duty of five pounds *per centum*, granted by this act, (other than and except such excess or surplus as aforesaid,) and all the arrears of the said duty hereby repealed, shall be applied and paid by the said collector inwards, into the receipt of the exchequer, upon the several distinct heads of *Subsidy* or *Customs*, as the duty hereby repealed has been paid in there, pursuant to the said act of the last session of parliament; and the said duty of seven pounds and ten shillings *per centum*, hereby granted, together with such excess or surplus as aforesaid, shall (all costs, charges, and expences of raising, receiving, collecting, levying, accounting for, and paying the same being first deducted) be, by the said commissioners of excise for the time being, distributed in due proportion to the respective heads of excise to which the inland duties on teas, repealed by the said act of the last session of parliament were applicable, and shall be by them paid into the receipt of the exchequer, at the rate of one hundred and thirty-eight thousand nine hundred and seventy-nine pounds, five shillings, and ten-pence halfpenny *per* quarter; and such monies, so paid into the receipt of the exchequer, by the said collector inwards, and commissioners of excise, respectively, shall be applied to the same uses and purposes as the said duty on tea, repealed by the said act of the last session of parliament, were applicable unto; and in case, in any one quarter, the monies arising by the duties granted by the said act of the last session of parliament, (other than the duty on tea hereby repealed,) together with the said duty of five pounds *per centum* by this act granted, over and above all costs, charges, and expences of raising, receiving, collecting, levying, accounting for, and paying the same, shall be less than the sum of eighty-seven thousand one hundred and thirty-six pounds, sixteen shillings, and eight-pence farthing, The 5 per cent. duty (except the surplus) to be paid into the exchequer; and also the 7l. 10s. per cent. duty. Application of the duties.

the said receiver general shall return a certificate thereof into the office of the auditor of the receipt of the exchequer aforesaid; and in case, in any one quarter, the monies arising by the duty of seven pounds and ten shillings *per centum* by this act granted, together with such excess or surplus as aforesaid, over and above all costs, charges, and expences of raising, receiving, collecting, levying, accounting for, and paying the same, shall be less than the sum of one hundred and thirty-eight thousand nine hundred and seventy-nine pounds, five shillings, and ten-pence halfpenny, the said commissioners of excise shall return a certificate thereof into the said office of the auditor of the receipt of the exchequer aforesaid; and such deficiencies respectively shall, from time to time, be made good by or out of such money as shall be or remain in the receipt of the exchequer of or for the surpluses, excesses, or overplus money, or other revenues composing the fund commonly called *The Sinking Fund*, at the quarter day next after the said certificates respectively shall have been returned into the office of the auditor of the said receipt; and whatever monies shall be issued out of the said fund to make good such deficiencies respectively, shall be replaced by or out of the first supplies to be thereafter granted by parliament.

In case of a deficiency of duties, the same to be made good out of the sinking fund.

V. Provided always, and be it enacted, That the receipts of the commissioners of excise, or the major part of them, shall be a sufficient discharge to the receiver general of the customs for such monies as he shall pay to them in pursuance of this act, and such receipts shall severally be allowed by the proper officer or officers in passing the accounts of such receiver general.

Receipts of commissioners of excise a sufficient discharge to receiver general of customs.

VI. And be it further enacted by the authority aforesaid, That if the monies hereby directed to be paid to the commissioners of excise shall, in any one quarter, produce, over and above all costs, charges, and expences of raising, receiving, collecting, levying, accounting for, and paying the same, more than sufficient to satisfy the said sum of one hundred and thirty-eight thousand nine hundred and seventy-nine pounds, five shillings, and ten-pence halfpenny, the surplus which remains, after satisfying that sum, shall be paid by the said commissioners of excise into the said receipt of the exchequer, and be applied towards making good the like sums charged upon the said subsidy and duty on houses, windows and lights, in the next succeeding quarter.

Surplus of duties, how to be applied.

VII. *And whereas, by the before recited act of the last session of parliament, the several duties and other impositions of excise upon cocoa nuts or coffee are repealed, and sundry duties are granted and charged on cocoa nuts and coffee imported in lieu thereof*; be it enacted by the authority aforesaid, That all the monies that shall arise and be paid into the receipt of his Majesty's exchequer, for and on account of the said duties, shall be, and are hereby appropriated, and shall be applied in manner following; *videlicet*, one moiety or half part thereof shall be carried to, and made

Monies to arise from the duties on cocoa nuts and coffee, how to be applied.

made a part of the fund, commonly called *The Aggregate Fund*; and the other moiety shall be carried to, and made a part of the fund, commonly called *The General Fund*; in lieu of the former inland duty on coffee so repealed; and shall be issued, paid, and applied to and for the same uses and purposes as the said respective funds are subject, liable, and appropriated unto.

Recital of a clause in 21 Geo. 3. c. 55.

XIII. *And whereas, by a clause in a certain act, made in the twenty-first year of his present Majesty's reign, intituled,* An act for repealing the duties payable upon chocolate made in *Great Britain*, and for granting certain inland duties upon cocoa nuts in lieu thereof; for the better and more effectual securing the revenue of excise, and of the inland duties under the management of the commissioners of excise, and for preventing frauds therein; for the more punctual and ready payment of the allowances to be made to brewers out of the additional duties imposed on malt; and for rectifying a mistake in an act made in this present session of parliament, with respect to the exempting of candles from the additional duty of five pounds *per centum* upon the duties of excise imposed by the said act; *it was enacted, That no tea, exceeding the quantity of forty pounds weight, not being in the original chest in which the same tea was imported into this kingdom by the united company of merchants of* England *trading to the* East Indies, *and then continuing in the same state in which it was so imported, at any one time, directed to one and the same person, or persons where there are two or more in joint trade or partnership, should be removed or carried from any city, town, parish, or place, in this kingdom, not being within the limits of the weekly bills of mortality, or of the chief office of excise in* London, *to any other place out of the limits aforesaid, not within the said city, town, parish, or place, from which the same should be so removed or carried, under and subject to the forfeitures in the said act mentioned; and by another clause in a certain other act, made in the twenty-second year of his Majesty's reign, intituled,* An act for repealing the duties payable for beer and ale above six shillings the barrel, exclusive of the duties of excise, and not exceeding eleven shillings the barrel, exclusive of such duties, and for granting other duties in lieu thereof; for granting additional duties on coaches, and other carriages therein mentioned; and also additional duties on sope made in *Great Britain*, and upon the produce of the said additional duties on coaches and on other carriages; and for the better securing the duty upon tea, and other duties of excise; and also for appointing the number of commissioners of excise who may hear causes depending before them relative to the duties on male servants; *the removing or carrying tea, exceeding the quantity of twenty pounds weight, in manner in the same act mentioned, was prohibited, under the forfeitures in the same act mentioned; and the last mentioned clause is amended and enforced by another clause in a certain other act of parliament, made in the twenty-third year of his Majesty's reign, intituled,* An act for the more effectual preventing the illegal importation of foreign spirits, and for putting a stop to the private distillation of *British* made spirituous liquors;

22 Geo. 3. c. 68.

23 Geo. 3. c. 70.

liquors; for explaining such part of the act imposing a duty upon male servants, as relates to the right of appeal from the justices of the peace; to amend and rectify a mistake in an act of the last session of parliament, with respect to the removal of tea from one part of this kingdom to other parts thereof; and for preventing vexatious actions against officers of excise acting in pursuance of the authority given by excise statutes; *whereby it is enacted, That if any tea, exceeding the quantity of twenty pounds weight at any one time, directed to one and the same person, or persons (where there are two or more in joint trade or partnership), and not being in the original chest, in which the same was imported into this kingdom by the united company of merchants of* England *trading to the* East Indies, *and then continuing in the same state in which it was imported, should be found removed or carried, or removing or carrying, whether with or without permit, from any city, town, parish, or place, in this kingdom, not being within the limits of the weekly bills of mortality, or of the chief office of excise in* London, *to any other place out of the limits aforesaid, not within the said city, town, parish, or place, from which the same should be so removed or carried, all such tea, together with the canisters, bags, and other package, containing the same, and the vessels and boats, and the horses, and other cattle and carriages employed in removing and carrying the same, should be forfeited, and should and might be seized by any officer or officers of excise: and whereas the restraining the removing tea from one city, town, parish, or place to another, without the limits of the chief office of excise in* London, *to so small a quantity at one time as twenty pounds weight, has been found inconvenient*; be it therefore enacted, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, the said several clauses shall be, and the same are hereby repealed.

From Aug. 1, 1785, the recited clauses repealed.

IX. And be it further declared and enacted, That all the powers, authorities, methods, rules, directions, regulations, penalties, forfeitures, provisions, clauses, matters, and things, which, in and by an act made in the tenth year of the reign of his late Majesty King *George* the First, intituled, *An act for repealing certain duties therein mentioned, payable upon coffee, tea, cocoa nuts, chocolate, and cocoa paste imported; and for granting certain inland duties in lieu thereof; and for prohibiting the importation of chocolate ready made, and cocoa paste; and for better ascertaining the duties payable upon coffee, tea, and cocoa nuts imported; and for granting relief to* Robert Dalzell, *late earl of* Carnwath; or in any other act or acts of parliament; relating to the duties upon tea, in force at the time of passing of the said act made in the last session of parliament, are contained, provided, settled, or established, for managing, assessing, raising, levying, collecting, recovering, adjudging, mitigating, ascertaining, enforcing, or securing the duty thereby granted, and for preventing, detecting, and punishing frauds relating thereto, shall be deemed and taken to have been in full force, to all intents and purposes, from the time of the passing of the said act, of the last session of parliament, for

All the powers and provisions in 10 Geo. 1. c. 10. and other acts in force at the passing the tea act of last session, for raising, recovering, &c. the duty thereby granted, to be deemed to have been in force for securing the duty granted by the said tea act, and shall be applied in executing this act.

for the managing, assessing, raising, levying, collecting, recovering, adjudging, mitigating, ascertaining, enforcing, or securing the said duty hereby repealed, and for preventing, detecting, and punishing frauds relating thereto; and the same powers, authorities, methods, rules, directions, regulations, penalties, forfeitures, provisions, clauses, matters, and things, shall be and continue in full force, and be duly observed, practised, applied, used, and put in execution, throughout the whole kingdom of *Great Britain*, in and for the managing, assessing, raising, levying, collecting, recovering, adjudging, mitigating, ascertaining, enforcing, and securing the said several duties by this act granted, and for preventing, detecting, and punishing frauds relating thereto, as fully and effectually, to all intents and purposes (so far as the same are not altered by this act), as if the said powers, authorities, methods, rules, directions, regulations, penalties, forfeitures, provisions, clauses, matters, and things, had been expressly inserted and re-enacted in the said act, passed in the last session of parliament, or in this act.

Not to subject to forfeitures before the passing hereof.

X. Provided always, That nothing in this act contained shall extend to subject any person or persons to any penalty or forfeiture for any act done or committed by him or them before the passing of this act, to which such person or persons would not have been liable if this act had not been made, any thing herein-before contained to the contrary in any wise notwithstanding.

Reciting regulations and powers to be observed, &c. by officers of customs, under former acts.

XI. *And whereas, by several acts of parliament, the several duties of excise, or inland duties, or certain proportions of such duties, payable for or upon the several commodities after mentioned; that is to say, Candles, leather, sope, hops, paper, pasteboard, millboard, and scaleboard, paper printed, painted, or stained, to serve for hangings and other uses, starch, gold or silver wire, and bricks and tiles, are allowed to be drawn back on exportation of the said several commodities to foreign parts by way of merchandize: and whereas, by the said several acts of parliament, certain regulations are provided for preventing frauds in the exportation or relanding any of the said commodities, and certain powers and authorities are by the said several acts given to the customers, collectors, or other officers of his Majesty's customs, at the respective ports or places of exportation of the said several commodities respectively, to administer certain oaths, and to take securities for the due exportation of the said several and respective commodities, and to grant to the exporters thereof certificates or debentures for the allowance of the duties on the said commodities so exported respectively: and whereas the requiring those regulations, powers, and authorities, to be observed and executed by the customers, collectors, or other officers of his Majesty's customs, has been found inconvenient*; be it therefore enacted by the authority aforesaid, That, from and after the tenth day of *August*, one thousand seven hundred and eighty-five, such parts of such several acts of parliament as require the said regulations, powers, and authorities, to be observed and executed by the customers, collectors, or other officers of his Majesty's customs, shall be repealed, and

Such parts of those acts repealed.

shall be no longer observed or practised; and that, instead thereof, it shall be lawful for such officer or officers of excise, as the commissioners of excise shall appoint for that purpose, and they are hereby required to execute all and every the said regulations, powers, and authorities, as fully and effectually as the customers, collectors, or other officers of the customs, might have done before the passing this act.

From Aug. 10, 1785, any such commodities, for which the duties are paid, may be exported.

XII. And be it further enacted by the authority aforesaid, That, from and after the said tenth day of *August*, one thousand seven hundred and eighty-five, it shall be lawful for any person or persons, who shall have paid all his Majesty's duties by any act or acts of parliament payable for any of the respective commodities aforesaid, or for any person or persons who shall buy, or be lawfully intitled to any of the said commodities, from the person or persons who actually paid his Majesty's duties thereupon, to export from any lawful quays, and in the lawful hours, any such respective commodities, for which all the duties shall have been paid, to any foreign parts by way of merchandize, upon the terms, and according to the directions herein-after mentioned; that is to say, The person or persons, so

Notice to be given before packing up the same.

intending to export any such commodities, shall give twelve hours notice, within the limits of the chief office of excise in *London*, and twenty-four hours notice in other places in *Great Britain*, of his intention to pack up, in order to be exported, any such commodities, and of the time and place when and where the same are intended to be packed up, to the officer or officers of excise, who shall be appointed for that purpose by the respective commissioners of excise in *England* or *Scotland*; and such officer or officers shall attend to see such commodities packed up, and the same shall be packed up in the presence of such officer or officers, and shall be secured with such fastenings, and sealed with such seal or mark, and in such manner, as the said respective commissioners shall direct; and if any person shall open such package, or wilfully destroy or deface such seal or mark, (save and except the officer of excise at the port of exportation, as herein-after mentioned), every person so offending shall forfeit and lose the sum of twenty pounds for every

Penalty on opening packages, &c.

such offence; and the officer or officers who saw the said commodities packed up, shall take an account of the kinds and quantities of the said commodities so intended to be exported, and make a return thereof to the officer who shall be appointed by such commissioners to receive the same, at the port of exportation, without any fee or reward for so doing.

If such goods shall not be packed agreeable to former notice, a fresh notice to be given.

XIII. Provided always, That if the person or persons, so intending to pack up such commodities, shall not begin and proceed to pack up the same at the time mentioned in such notice, or within one hour after such time, then such notice shall be void, and such person or persons, so intending to pack up such commodities, shall be obliged to give a fresh notice to such officer or officers of the time and place when and where such commodities are intended to be packed up in order to be exported;

ported; and the person or persons, so intending to export such commodities, shall also give six hours notice of the time and place of shipping such commodities, unto the officer of excise of the place where the same shall be shipped, who shall attend and see the same put on shipboard; and the exporter of the said commodities shall also, before the shipping the same, give sufficient security, to be approved of by the respective commissioners of excise, or the person by them appointed for that purpose, in treble the value of the duty intended to be drawn back, that the particular commodities, so intended to be exported, and every part thereof, shall be shipped and exported, and shall not be unshipped, unladed, or laid on land, or put on board any other ship or vessel in *Great Britain*, shipwreck, or other unavoidable accident, excepted; which security the officer of excise of the port where the said commodities shall be exported, is hereby directed to take in his Majesty's name and to his Majesty's use; and the said exporter, or his clerk or manager, shall make oath, (or affirmation, if a *Quaker*), that he believes the duties upon such commodities had been fully paid, and that such commodities are the same that are described in the account sent as aforesaid, by the officer in whose presence the same were packed, to the officer attending the shipping, (which oath or affirmation the surveyor or supervisor, or other officer appointed by the commissioners for that purpose, is hereby authorized and required to administer); and the said surveyor or supervisor, or other officer aforesaid, and the officer who attended the shipping the said commodities, being satisfied of the truth thereof, shall, within one month after the exportation of the said commodities, give to the said exporter, or his clerk or manager, a certificate or debenture, expressing the quantities and kinds of such commodities so shipped, and that all the duties have been paid for the same, and that security hath been given, before the shipping the same, for the due exporting the same; and such certificate or debenture, being produced to the collector of the port where the same commodities were exported, he shall forthwith pay or allow the persons so exporting the same, or their agents, a drawback or allowance of the duties before paid for such commodities so exported, or of such part and so much of the said duties for such respective commodities so exported, as may now be drawn back or allowed on the exportation of any of the said commodities respectively by any law or laws now in force; and if such collector shall not have money in his hands to pay the same, then the respective commissioners of excise in *England* or *Scotland* are required to pay the said drawback or allowance out of such duties as drawbacks or allowances, granted upon the exportation of the same commodities, are now payable by law respectively.

Exporter to give security for the shipping thereof, etc.

and shall receive a certificate from the officer.

XIV. Provided always, That it shall be lawful for the officer attending the shipping such commodities, if he thinks it necessary, to open or examine such commodities at the port of exportation, in order that he may be satisfied that such goods are

Officer attending the shipping such commodities, may examine them.

are the same that are described in the account sent to him by the officer in whose presence the goods were packed.

Goods landed, etc. after giving security for obtaining the drawback, to be forfeited.

XV. Provided always, That if, after the shipping any such commodities, and the giving or tendering such security as aforesaid, in order to obtain a drawback or allowance of the duties before paid or charged thereupon, the same commodities, or any part thereof, shall be unshipped, unladed, or laid on land, or put into any other ship or vessel within *Great Britain*, shipwreck, or other unavoidable accident, excepted, that then, and in every such case, over and above the penalty of the bond, which shall be levied and recovered to his Majesty's use, all the said commodities which shall be so unshipped, unladed, or laid on land, or put into any other ship or vessel within *Great Britain*, shipwreck, or other unavoidable accident, excepted, or the value thereof, shall be forfeited, and may be seized by any officer of the customs or excise.

Recital of 10 Annæ, c. 19; and 12 Annæ, c. 9.

XVI. *And whereas by another act of parliament, made in the tenth year of the reign of Queen* Anne, for laying several duties upon all sope and paper made in *Great Britain*, or imported into the same; and upon chequered and striped linens imported; and upon certain silks, calicoes, linens, and stuffs, printed, painted, or stained; *and also by another act, made in the twelfth year of the reign of Queen* Anne, for laying additional duties on sope and paper, and upon certain linens, silks, calicoes, and stuffs, *the duties of excise, or inland duties, payable on silks, calicoes, linens, or stuffs, printed, painted, stained, or dyed in* Great Britain, *are allowed to be drawn back on the exportation of such goods to foreign parts by way of merchandise, and several regulations are provided by the said acts for preventing frauds in the exportation or relanding of such goods; and certain powers and authorities are thereby given to the customers or collectors, or other officers of his Majesty's customs, at the respective ports or places of exportation of the said goods, to administer certain oaths, and to take securities for the due exportation of the said goods, and to grant to the exporter certificates or debentures for the allowance of the duties on goods so exported: and whereas the requiring those regulations, powers, and authorities, to be observed and executed by the customers, collectors, or other officers of his Majesty's customs, has been found inconvenient*; be it therefore enacted, That, from and after the tenth day of *August*, one thousand seven hundred and eighty-five, those parts of the aforesaid two acts of Queen *Anne*, which require the said regulations, powers, and authorities, to be observed and executed by the customers, collectors, or other officers of his Majesty's customs, shall be repealed, and shall be no longer observed or practised; and that, instead thereof, it shall be lawful for such officer or officers of excise as the commissioners of excise shall appoint for that purpose, and they are hereby required to execute all and every the said regulations, powers, and authorities, as fully and effectually as the customers, collectors, or other officers of the customs, might have done before the passing this act.

From Aug. 10, 1785, certain parts of the recited acts repealed.

XVII. And

XVII. And be it further enacted by the authority aforesaid, That, from and after the said tenth day of *August*, one thousand seven hundred and eighty-five, it shall be lawful for any person or persons who shall have paid all his Majesty's duties for any such silks, calicoes, linens, or stuffs, printed, painted, stained, or dyed in *Great Britain*, or for any person or persons who shall buy, or be lawfully intitled to any such goods from the person or persons who actually paid his Majesty's said duties, at any lawful quays, and in the lawful hours, to export any such goods, for which all the duties shall have been paid, to any foreign parts by way of merchandize, upon the terms, and according to the directions, herein-after mentioned; that is to say, the person or persons intending to export any such goods shall give twelve hours notice within the limits of the chief office of excise in *London*, and twenty-four hours notice in other places in *Great Britain*, of his intention to pack up such goods in order to be exported, and of the time and place when and where the same are intended to be packed up, to the officer or officers of excise who shall be appointed for that purpose by the respective commissioners of excise in *England* or *Scotland*; and such officer or officers shall attend to see such goods packed up, and shall take care to measure the said goods, and to see that the seals or stamps, denoting the payment of the duties thereupon, are taken off from every piece of such goods before the same are packed up; and every such piece shall be packed up in the presence of such officer or officers, and shall be secured with such fastenings, and sealed with such seal or mark, and in such manner, as the said respective commissioners shall direct; and if any person shall open such package, or wilfully destroy or deface such seal or mark, (save and except the officer of excise at the port of exportation, as hereinafter mentioned), every person so offending shall forfeit and lose the sum of twenty pounds for every such offence; and the officer or officers who saw the said commodities packed up shall take an account of the kinds and quantities of such goods so intended to be exported, and make a return thereof to the officer, who shall be appointed by such commissioners to receive the same, at the port of exportation, without any fee or reward for so doing.

From Aug. 10, 1785, any such silks, etc. for which the duties have been paid, may be exported.

Notice to be given before packing the same.

Penalty on opening packages, etc.

XVIII. Provided always, That if the person or persons so intending to export such goods, shall not begin and proceed to pack up the same at the time mentioned in such notice, or within one hour after such time, then such notice shall be void; and such person or persons, so intending to pack up such goods, shall be obliged to give a fresh notice to such officer or officers, of the time and place when and where such goods are intended to be packed up in order to be exported.

On failure of beginning to pack agreeable to former notice, a fresh notice to be given.

XIX. *And whereas, by an act passed in the present session of parliament, intituled,* An act for repealing the duties on linens to be printed, painted, stained, or dyed in *Great Britain*, imposed by an act made in the last session of parliament, and for granting other duties in lieu thereof; and on cotton stuffs, muslins, fustians,

c. 72.

fustians, velvets, and velverets, wove in *Great Britain*, to be printed, stained, painted, or dyed; and upon the importation of linens, cotton stuffs, muslins, fustians, velvets, and velverets, printed, stained, painted, or dyed in foreign parts, *every piece of linen or stuffs, or stuffs made of cotton, to be printed, painted, stained, or dyed in* Great Britain, *after the first day of* August, *one thousand seven hundred and eighty-five, is required to have a seal or stamp denoting the payment of the duties thereupon, and also a frame mark denoting the measure thereof, at both ends of every such piece; and all the regulations of the said act are enacted to extend to all silks, calicoes, linens, and stuffs to be printed, painted, stained, or dyed, in* Great Britain, *after the said first day of* August, *one thousand seven hundred and eighty-five*; be it enacted by the authority aforesaid, That whenever any person shall be desirous of packing up, in order to be exported, any piece or pieces of such silks, calicoes, linens, or stuffs, printed, painted, stained, or dyed, before the said first day of *August*, one thousand seven hundred and eighty-five, and not having such seals or stamps denoting the payment of the duties, and such frame marks denoting the measure thereof, at both ends of such piece or pieces, such person, or his clerk or manager, shall make oath (or, being a Quaker, affirmation) before the surveyor or supervisor, or other officer of excise appointed by the commissioners of excise for that purpose (who is hereby authorised and required to administer the same), that all and every such piece and pieces were printed, painted, stained, or dyed in *Great Britain* before the said first day of *August*, one thousand seven hundred and eighty-five; and such officer or officers shall not permit to be packed up, in order to be exported, any piece of silk, linen, or stuffs, which shall have been printed, painted, stained, or dyed, in *Great Britain*, after the said first day of *August*, one thousand seven hundred and eighty-five, not having the seals or stamps denoting the payment of the duties, and also the frame marks denoting the measure thereof, distinct and plain, at both ends of every such piece; which frame marks shall be cut off from both ends, at the same time as the seals or stamps denoting the payment of the duties are cut off from the same; and the person or persons intending to export such goods shall also give six hours notice of the time and place of shipping such goods, unto the officer of excise of the place where the same shall be shipped, who shall attend and see the same put on shipboard; and the exporter of the said goods shall also, before the shipping the same, give sufficient security, to be approved of by the commissioners of excise, or the person by them appointed for that purpose, in treble the value of the duty intended to be drawn back, that the particular goods so intended to be exported, and every part thereof, shall be shipped and exported, and shall not be unshipped, unladed, or laid on land, or put into any other ship or vessel within *Great Britain*, shipwreck, or other unavoidable accident, excepted; which security the officer of excise of the port where the said goods shall be exported, is hereby directed to

Directions relative to silks, calicoes, etc. painted or dyed before Aug. 1. 1785, and designed for exportation.

Exporter to give security that the goods shall not be relanded in Great Britain, etc.

to take in his Majesty's name, and to his Majesty's use: and the said exporter, or his clerk or manager, shall make oath, (or affirmation, if a Quaker), that he believes the duties upon such goods had been paid, and that such goods are the same that are described in the account sent as aforesaid by the officer in whose presence the same were packed, to the officer attending the shipping, (which oath or affirmation the surveyor or supervisor, or other officer appointed by the commissioners for that purpose, is hereby authorised and required to administer); and the said surveyor or supervisor, or other officer aforesaid, and the officer who attended the shipping the said goods, being satisfied of the truth thereof, shall, within one month after the exportation of the said goods, give to the said exporter, or his clerk or manager, a certificate or debenture, expressing the quantities and kinds of such goods, and that all the duties have been paid for the same, and that security has been given before the shipping the same for the due exporting the same; and such certificate or debenture being produced to the collector of the port where the same goods were exported, he shall forthwith pay or allow, to the persons so exporting the same, or their agents, a drawback or allowance of the duties before paid for such goods so exported; and if such collector shall not have money in his hands to pay the same, then the respective commissioners of excise in *England* or *Scotland* are required to pay the said drawback or debenture out of the duties upon silks, calicoes, linens, or stuffs, printed, painted, stained, or dyed in *Great Britain*.

Surveyor, etc. within a month after exportation, to give a certificate to the exporter, which shall intitle him to a drawback.

XX. Provided always, That it shall be lawful for the officer attending the shipping such goods, if he shall think it necessary, to open and examine such goods at the port of exportation, in order that he may be satisfied that such goods are the same that are described in the account sent to him by the officer in whose presence the goods were packed.

Officer attending the shipping of goods may examine the same.

XXI. Provided always, That if, after the shipping any such goods, or giving or tendering such security as aforesaid, in order to obtain an allowance or drawback of the duties thereupon, the same goods, or any part thereof, shall be unshipped, unladed, or laid on land, or put into any other ship or vessel within *Great Britain*, shipwreck, or other unavoidable accident, excepted; then, and in every such case, over and above the penalty of the bond, which shall be levied and recovered to his Majesty's use, all the said goods which shall be so unshipped, unladed, or laid on land, or put into any other ship or vessel within *Great Britain*, shipwreck, or other unavoidable accident, excepted, or the value thereof, shall be forfeited, and may be seized by any officer of the customs or excise.

Goods, after shipped for exportation, relanded, shall be forfeited.

XXII. Provided always, That nothing in this act contained shall extend to authorise any person or persons to export any goods whatsoever, to any foreign parts whatsoever, other than such person or persons might have done by law before the making this act.

Not to authorise the exportation of any other goods,

XXIII. Provided also, That nothing in this act contained shall

or in any other manner than might be done before the paſſing hereof.

ſhall authoriſe any perſon or perſons to export any goods whatſoever, in any manner whatſoever, other than ſuch perſon or perſons might have done before the making this act, ſave and except as in this act is expreſsly provided.

Not to intitle exporters to any new drawback.

XXIV. Provided alſo, That nothing in this act contained ſhall extend to intitle any perſon or perſons to any other drawback or allowance, upon the exportation of any goods whatſoever, than ſuch perſon or perſons would have been intitled to by law upon the exportation of ſuch goods before the making this act.

No Perſon to make candles, within the limits of the head office, unleſs he occupy a tenement of 10l. per ann. and pay pariſh rates for the ſame;

nor in any other part of the kingdom, unleſs he pay to church and poor.

XXV. *And whereas, notwithſtanding the ſeveral laws already made for the ſecuring the duties on candles, and for protecting the fair trader, many groſs frauds are daily practiſed by evil-minded and indigent perſons, who are encouraged in ſuch practices by the length of time allowed by the laws for the payment of the duties on candles*; for remedy whereof, be it enacted by the authority aforeſaid, That, from and after the firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, no perſon or perſons whatſoever, reſiding within the limits of the head office of exciſe in *London*, ſhall be permitted to make any candles, unleſs ſuch perſon or perſons ſhall occupy a tenement or tenements of the yearly value of ten pounds or upwards, and for which he, ſhe, or they ſhall accordingly be aſſeſſed in his or their own name or names, and ſhall alſo pay to the pariſh rates; and that no perſon or perſons whatſoever, reſiding in any other part of the kingdom, where there are rates to church and poor, ſhall be permitted to make any candles, unleſs ſuch perſon ſhall be aſſeſſed and pay to church and poor in the ſeveral pariſhes and places in which they ſhall reſpectively reſide; and that no entry of any melting-houſe, workhouſe, warehouſe, ſtorehouſe, room, or place, for the making or keeping of candles, or for the melting or keeping of wax, ſpermaceti, tallow, or other materials to be made into candles, already made or hereafter to be made, as required by the ſtatutes in ſuch caſe made and provided, ſhall be of any avail to any perſon or perſons not ſo qualified, or for any longer time than the perſon or perſons, ſo making entry, ſhall be qualified as aforeſaid; and every perſon making candles, and not qualified as aforeſaid, ſhall, notwithſtanding any entry by him, her, or them made, be deemed and taken to be a perſon making candles without entry, and ſhall be ſubject to the like penalties and forfeitures as perſons making candles without entry are, by the ſtatutes in ſuch caſe made and provided, now ſubject unto.

Recital of two clauſes in 8 Anne, c. 9.

XXVI. *And whereas, by a clauſe in an act paſſed in the eighth year of the reign of Queen* Anne, *intituled*, An act for laying certain duties upon candles, and certain rates upon monies to be given with clerks, and apprentices, towards raiſing her Majeſty's ſupply for the year one thouſand ſeven hundred and ten, *it was enacted, That all and every perſon and perſons whatſoever, who ſhould make any candles in* London, Weſtminiſter, *or in any parts within the limits of the weekly bills of mortality, ſhould monthly, and every*

every month, and all and every person or persons whatsoever, who should make any candles in any other part of Great Britain, *should, once in every six weeks, make a true entry in writing, at the next office of excise, of all the candles by him or them severally made within such month or six weeks respectively; which entries were to be made in manner as therein expressed; and by one other clause in the same act, it was further enacted, That all and every person and persons whatsoever, who should make any candles in* London, Westminster, *or within the limits of the said weekly bills of mortality, should, within four weeks, and all and every person and persons whatsoever, who should make any candles in any other part of* Great Britain, *should, within six weeks, after he, she, or they should make, or ought to have made, such entry as aforesaid, pay and clear off all the said duties for candles which should be due from him, her, or them respectively: and that all and every such makers of candles, who should refuse or neglect to make such payment as aforesaid, should forfeit and lose for every such offence, double the sum of the said duty: and whereas the allowing so long time for the making the entries, and for the payment of the duties, as aforesaid, hath been found prejudicial to the revenue, and also to the fair trader, as evil-minded and indigent persons have been encouraged thereby to make candles, and have made entry of the candles by them made, but have neglected to pay the duty when due, and before the time that the duty could be recovered, have absconded from their respective dwelling places, or by other methods have evaded the payment of the same*; be it therefore further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, the above recited clauses shall be, and the same are hereby repealed.

The said clauses repealed.

XXVII. And be it further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, all and every person whatsoever, who shall make any candles, shall weekly, and every week, make a true entry in writing, at the next office of excise, of all the candles by him, her, or them severally made within each week; which said entries shall contain the weight, number, and size, of the candles mentioned therein respectively, and what quantity was made at each course within the said week to which such entry shall relate, on pain to forfeit, for every neglect of entry, the sum of twenty pounds; which entries shall be made upon oath by the makers of such candles, or by their chief workman or servant employed in making the same, according to the best of their knowledge and belief, unless such maker, workman, or servant, be a known Quaker, and the solemn affirmation of such maker or workman, or servant, to the same effect, in case he or she be a known Quaker, shall and may be taken instead of such oath; and the said entries, oaths and affirmations to verify the same, shall, for such candles as shall be made within the limits of the weekly bills of mortality, be made with, and administered by, such officer or officers

All candles made to be entered weekly, on oath.

Particulars to be specified in the entry.

With and by whom such entries and oaths shall be made and administered.

officers as shall be appointed by the commissioners of excise in *England*, or the major part of them for the time being, who shall attend at the general excise office in *London* for that purpose; and for all candles made in all parts of *Great Britain*, with and by the respective collectors or supervisors of the district or division within which the respective makers of candles shall inhabit, without any fee or charge whatsoever to be demanded or taken for the same.

Candlemakers to pay the duties within a week after entry.

XXVIII. And be it further enacted by the authority aforesaid, That all and every person and persons whatsoever, who shall make any candles in *Great Britain*, shall, within one week after he, she, or they shall make, or ought to have made, such entry as aforesaid, pay and clear off all the duties for candles which shall be due from him, her, or them respectively; and that all and every such maker of candles, who shall refuse or neglect to make such payment as aforesaid, shall forfeit and lose, for every such offence, double the sum of the said duty whereof the payment shall be so refused or neglected; and that no such maker of candles, after such default in payment made, shall sell, deliver, or carry out any candles, until he or she hath paid and cleared off his or her duty as aforesaid, on pain to forfeit double the value of such candles so delivered or carried out.

Chandlers, before they begin any making of candles, to give notice to the officer when they shall begin to spread cottons, etc.

XXIX. And be it further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, every chandler, or maker of candles, before he, she, or they shall begin to work upon or make any course or making of candles whatsoever, shall give, to the officer of the division or place where such candles were intended to be made, notice in writing of the particular time and hour when he or she shall intend to begin to spread cottons, wicks or rushes, for any such course or making of candles, and also the hour and time, when he or she shall intend to begin to run in or dip any such cottons, wicks or rushes, which notice shall be given as herein-after is mentioned; that is to say, if such making is intended to be in any place within the limits of the head office of excise in *London*, then such notice shall be given by the space of six hours next before the beginning of every such making; and if such making is intended to be in any city or market town, out of the said limits, then such notice shall be given by the space of twelve hours next before the beginning of every such making; and if such making is intended to be in any other place out of the said limits, then such notice shall be given by the space of twenty-four hours next before the beginning of every such making, on pain of forfeiting the sum of fifty pounds for every time when any maker of candles shall begin to spread cottons, wicks, or rushes, or to run in or dip any such cottons, wicks, or rushes, without first giving such notice as aforesaid.

on penalty of 50*l*.

In what cases notice shall be void.

XXX. And be it further enacted by the authority aforesaid, That if such intended spreading of cottons, wicks, or rushes, and

and also such intended running in or dipping such cottons, wicks, or rushes, shall not be begun and proceeded upon at the respective hours and times mentioned in such notice, or within three hours next after such respective hours and times, then every such notice shall be null and void.

XXXI. *And, in order to deter persons from assisting in the private and fraudulent making of candles in unentered places,* be it further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, when any officer or officers of excise shall discover that the making of candles is carried on in any private workhouse, room, or place, whereof no notice has been given at the next office of excise, and shall at the same time discover in the workhouse, storehouse, room, or place, where such private making of candles shall be so discovered, any person or persons knowingly assisting, or any ways concerned in carrying on such private making of candles, every such person or persons so discovered shall forfeit and lose the sum of twenty pounds, over and above all penalties and forfeitures that the proprietor or maker of such candles shall be liable to; and it shall be lawful for the officer and officers of excise, and all other persons acting in his or their aid, to stop, arrest, and detain, all and every the person and persons so discovered in such workhouse, storehouse, room, or place, and to convey the said person or persons before one or more justice or justices of the peace for the county, riding, division, city, or liberty respectively, wherein such persons shall be so discovered as aforesaid; and it shall be lawful for such justice or justices of the peace respectively, on confession of the party, or on proof by the oath of one or more credible witness or witnesses, to convict the person or persons so discovered as aforesaid, and the person or persons so convicted shall, immediately on such conviction, pay the said sum of twenty pounds into the hands of the officer who shall have conveyed such offender before such justice or justices of the peace, to be applied in manner herein-after directed; and on such offender or offenders refusing or neglecting to pay the said sum of twenty pounds, the justice or justices, so convicting as aforesaid, shall, by warrant or warrants under his or their hand and seal, or hands and seals, commit the offender or offenders to the house of correction for the said county, riding, division, city, or liberty respectively, there to remain and be kept to hard labour for the space of two months, to be reckoned from the day of such conviction; and the person or persons so committed shall not be discharged until he, she, or they shall have paid the said sum of twenty pounds, or until the expiration of the said two months: and in case the person or persons so convicted shall be again discovered in any workhouse, storehouse, room, or place, where the making of candles shall be so privately carried on, assisting, or otherwise concerned in carrying on such private making of candles, he, she, or they, so again offending shall, upon the like conviction, forfeit and pay, for such second offence,

Penalty on persons assisting in making candles privately:

first offence, 20*l.* or two months imprisonment;

second offence, 40*l.* or four months imprisonment.

fence, the sum of forty pounds, and shall be committed to the house of correction in manner aforesaid, there to remain for and during the term of four months, or until the said sum of forty pounds shall be paid.

All the powers, penalties, etc contained in 12 Car. 2. c. 24. or any other law relating to excise duties, for collecting and recovering the duties thereby granted, shall be applied in executing this act.

XXXII. And be it further enacted by the authority aforesaid, That all and every the powers, authorities, directions, rules, methods, penalties, and forfeitures, clauses, matters, and things, which in and by an act made in the twelfth year of the reign of King *Charles* the Second, intituled, *An act for taking away the court of wards and liveries, and tenures* in Capite, *and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*, or by any other law now in force relating to his Majesty's revenue of excise, or inland duties under the management of the commissioners of excise, are provided, settled, or established, for securing, enforcing, managing, raising, levying, collecting, paying, mitigating, or recovering, adjudging, or ascertaining, the duties or penalties thereby granted, and for preventing, detecting, and punishing of frauds relating thereto, (other than in such cases for which other penalties or provisions are prescribed by this act,) shall be exercised, practised, applied, used, and put in execution, in and for the managing, raising, levying, collecting, mitigating, adjudging, ascertaining, recovering, and paying the several duties hereby granted, as fully and effectually, to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, penalties, forfeitures, clauses, matters, and things, were particularly repeated and again enacted in this present act.

Penalties and forfeitures how to be recovered and applied.

XXXIII. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures, imposed by this act, shall be sued for, recovered, levied, or mitigated, by such ways, means, or methods, as any fine, penalty, or forfeiture may be sued for, recovered, levied, or mitigated by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland* respectively; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall inform, discover, or sue for the same.

Limitation of actions.

General issue.

XXXIV. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons for any thing by him or them done in pursuance of this act, such action or suit shall be commenced within three months next after the matter or thing done, and shall be laid in the proper county; and the defendant or defendants in such action or suit may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer or otherwise, then such defendant or

defendants

defendants shall have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs. Treble costs.

CAP. LXXV.

An act to extend the provisions of an act, made in the twenty-third year of his present Majesty's reign, for granting to his Majesty a stamp duty on the registry of burials, marriages, births, and christenings, *to the registry of burials, births, and christenings of protestant dissenters from the church of* England.

WHEREAS *by an act, made in the twenty-third year of the reign of his present Majesty, (intituled,* An act for granting to his Majesty a stamp-duty on the registry of burials, marriages, births, and christenings,) *a stamp-duty of three-pence was imposed on the entry of any burial, marriage, birth, or christening, in the register of any parish, precinct, or place in* Great Britain: *and whereas it is expedient to extend the provisions of the said act to all his Majesty's protestant subjects dissenting from the church of* England; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *October*, one thousand seven hundred and eighty-five, the provisions of the said act, made in the twenty-third year of the reign of his present Majesty, shall extend to all his Majesty's protestant subjects dissenting from the church of *England*; and that the registers of births, burials, and christenings of such of them as use infant baptism, now kept, or hereafter to be kept by them; and the registers of births and burials of such protestant dissenters as do not use infant baptism, now kept, or hereafter to be kept by them, shall be subject and liable to the stamp duties by the said recited act imposed upon the registers of births, burials, and christenings; any thing therein, or in any other law contained to the contrary notwithstanding.

Preamble. 23 Geo. 3. c. 67.

From Oct. 1, 1785, the recited act extended to protestant dissenters.

CAP. LXXVI.

An act for appointing commissioners further to enquire into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissentions in America, *in consequence of their loyalty to his Majesty, and attachment to the* British *government.*

WHEREAS, *by an act, made in the twenty-third year of the reign of his present Majesty, (intituled,* An act for appointing commissioners to enquire into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissentions in *America*, in consequence of their loyalty to his Majesty, and attachment to the *British* government,) *certain persons were constituted commissioners for enquiring into the respective losses and services of all such person and persons who have suffered in their rights, properties, and*

Preamble. 23. Geo 3. c. 80.

professions, during the late unhappy dissentions in America, *in consequence of their loyalty to his Majesty, and attachment to the* British *government: and whereas the purposes intended by the said act are not yet completed, and it is therefore necessary that the said act should be continued*; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That *John Wilmot* esquire, colonel *Robert Kingston*, colonel *Thomas Dundas*, *John Marsh* esquire, *Jeremy Pemberton* esquire, and *Robert Mackenzie* esquire, shall be, and they are hereby constituted commissioners for the purposes in the said recited act mentioned.

Commissioners.

Commissioners to be sworn.

II. And be it further enacted, That any two commissioners in this act named, before they enter upon the execution of the same, shall take an oath before the master of the rolls for the time being, or one of his Majesty's justices of the court of King's bench, common pleas, or barons of the exchequer, (which they or either of them are hereby authorised and required to administer,) in the form following; that is to say,

The oath.

I A. B. *do swear, That, according to the best of my skill and knowledge, I will faithfully, impartially, and truly execute the several powers and trusts vested in me by an act*, (*intituled*, An act for appointing commissioners further to enquire into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissentions in *America*, in consequence of their loyalty to his Majesty, and attachment to the *British* government,) *according to the tenor and purport of the said act.*

And every other of the said commissioners, in this act named, shall likewise take the same oath before the said two commissioners, who are hereby authorised and required to administer the same, after they shall themselves have taken the said oath as aforesaid.

Commissioners may examine parties on oath.

III. And be it further enacted, That it shall and may be lawful to and for the said commissioners, or any two or more of them, and they are hereby authorised, impowered, and required, to examine upon oath (which oath they, or any two or more of them, are hereby authorised to administer,) all persons whom the said commissioners, or any two or more of them, shall think fit to examine, touching all such matters and things as shall be necessary for the execution of the powers vested in the said commissioners by this act; and all such persons are hereby directed and required punctually to attend the said commissioners at such time or place as they, or any two or more of them, shall appoint.

Commissioners to meet, and to send for persons or papers,

IV. And be it enacted by the authority aforesaid, That the said commissioners, or any two or more of them, are hereby authorised to meet and sit, from time to time, at their present

present place of meeting, or at such other place as they, or any two or more of them, shall think proper, with or without adjournment, and to send their precept or precepts, under their hands and seals, for any person or persons whatsoever, and for such books, papers, writings, or records, as they shall judge necessary for their information in the execution of the powers vested in the said commissioners by this act; and the said commissioners, or any two or more of them, are hereby authorised to appoint and employ such clerks, messengers, and officers as they shall think meet, and to give to every of the said clerks and officers an oath for his true and faithful demeanor, in all things relating to the due performance of the trust reposed in him by the said commissioners, and in all other things touching the premises; which clerks and officers are hereby required faithfully to execute and perform the trust in them severally and respectively reposed, without taking any thing for such their service, other than such salary or rewards as the said commissioners, or any two or more of them, shall think fit to direct and appoint in that behalf.

to appoint clerks, &c.

V. And be it enacted by the authority aforesaid, That if it shall have appeared to the commissioners appointed by the said recited act, or shall hereafter appear to the commissioners appointed by this act, that any person hath delivered, or shall hereafter deliver to them, an account or claim beyond the real loss sustained by him or her, with an intent to obtain more than a just compensation; and if the said commissioners, or any two or more of them, shall have been or shall hereafter be of opinion that such account or claim was or is fraudulent, then such person so having claimed, or who shall hereafter so claim, shall be absolutely excluded from any compensation or provision whatsoever.

Persons delivering in fraudulent claims to be excluded from any compensation.

VI. And be it further enacted by the authority aforesaid, That in case any person or persons, upon examination upon oath before the said commissioners, or any two or more of them respectively, as before mentioned, shall wilfully and corruptly give false evidence, every such person so offending, and being thereof duly convicted, shall be and is and are hereby declared to be subject and liable to such pains and penalties as by any law now in being persons convicted of wilful and corrupt perjury are subject and liable to.

Persons giving false evidence to be liable to the penalties of perjury.

VII. *And whereas by an act made in the twenty-third year of the reign of his present Majesty, (intituled,* An act for appointing commissioners to enquire into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissentions in *America*, in consequence of their loyalty to his Majesty, and attachment to the *British* government), *it was enacted, That no claim or request of any person or persons for aid or relief, on account of the loss of any property during the late dissentions in* America, *should be received after the twenty-fifth day of* March, *one thousand seven hundred and eighty-four:*

Limitation of the time for receiving claims. 23 Geo. 3. c. 80.

four: and whereas it may happen that several persons may be deprived of the relief intended by the said act, by reason of their having been incapable of preferring their claims during the time allowed by the said act; be it therefore enacted, That the said commissioners, or any two or more of them, are hereby impowered to receive the claim or claims of any person or persons who shall, upon oath, prove to the satisfaction of the said commissioners, or any two or more of them, that such person or persons was or were absent from the kingdoms of *Great Britain* and *Ireland*, and by unavoidable accident, or particular circumstances, to be judged of by the said commissioners, or any two or more of them, was or were utterly incapable of preferring his, her, or their claim or claims, during the time allowed by the said act; provided that no such claim or claims shall be received after the first day of *May*, one thousand seven hundred and eighty-six.

Commissioners appointed to go to the colonies in America to enquire into claims;

VIII. *And whereas several persons, resident in* Nova Scotia, *and other of his Majesty's colonies in* America, *have preferred claims to the commissioners appointed by the said recited act, or may hereafter prefer claims under this act; and whereas it may be attended with great inconvenience to such persons to come to* Great Britain *to substantiate such claims*; be it therefore enacted, That colonel *Thomas Dundas*, and *Jeremy Pemberton* esquire shall, and they are hereby directed and required to repair to *Nova Scotia*, or any other of his Majesty's colonies in *America*, to enquire into such claims, with the same powers and authorities for enquiring into such claims as the commissioners appointed by the said recited and this present act, for enquiring into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissentions in *America*, in consequence of their loyalty to his Majesty, and attachment to the *British* government, are invested with; and in case the said commissioners shall differ in opinion with respect to any claim, then, in such case, it shall be lawful for the said commissioners to call to their assistance the governor of any colony to which they may judge it necessary to repair; and the said governor agreeing in opinion with either of the said commissioners, shall decide the matter or question in dispute; and in case of the death of either of them the said *Thomas Dundas* or *Jeremy Pemberton*, that then the governor of the colony, where such enquiry shall from time to time be carried on, shall be added to and joined with the survivor of them the said *Thomas Dundas* and *Jeremy Pemberton*, and shall be invested with the same powers and authorities as the person so dying is hereby invested with.

and in case of difference of opinion, to require the assistance of the governor, who, in case of the death of a commissioner, is to supply his place.

Commissioners may appoint persons to travel in America to enquire into facts.

IX. And be it enacted, That the said commissioners, or any two of them, are hereby empowered, if they shall think proper, to appoint, under their hands and seals, a proper person or persons to repair to any part of the United States of *America*, to enquire into such facts and circumstances as they may think

material for the better ascertaining the several claims which have been, or shall be presented under the authority of this or any former act.

X. *And whereas an act was passed in the sixteenth year of his present Majesty, intituled,* An act to prohibit all trade and intercourse with the colonies of *New Hampshire, Massachuset's Bay, Rhode Island, Connecticut, New York, New Jersey, Pensilvania,* the three lower counties on *Delaware, Maryland, Virginia, North Carolina, South Carolina,* and *Georgia,* during the continuance of the present rebellion within the said colonies respectively; for repealing an act, made in the fourteenth year of the reign of his present Majesty, *to discontinue the landing and discharging, lading or shipping, of goods, wares, and merchandize, at the town and within the harbour of* Boston, *in the province of* Massachuset's Bay; and also two acts, made in the last session of parliament, for restraining the trade and commerce of the colonies in the said acts respectively mentioned; and to enable any person or persons, appointed and authorised by his Majesty to grant pardons, to issue proclamations, in the cases, and for the purposes therein mentioned; *whereby it was enacted, That all trade and commerce should be prohibited with the colonies therein mentioned, and that all ships and vessels of or belonging to the inhabitants of the said colonies, together with their cargoes, apparel, and furniture, and all other ships and vessels whatsoever, together with their cargoes, apparel, and furniture, which should be found trading, in any port or place of the said colonies, or going to trade, or coming from trading in any such port or place, should become forfeited to his Majesty, as if the same were the ships and effects of open enemies, and should be so adjudged and taken in all courts of admiralty, and in all other courts whatsoever: and whereas vessels, effects, goods, or merchandize, belonging to inhabitants of the said colonies, who were loyal subjects to his Majesty, may have become forfeited, and may have been adjudged and condemned as lawful prize under the said act;* be it enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners appointed by this act, to enquire into losses sustained in consequence of the said act, by any such inhabitants, who shall give sufficient proof, to the satisfaction of the said commissioners, of their loyalty to his Majesty, and attachment to the *British* government.

Commissioners to enquire into losses sustained in consequence of an act 16 Geo. 3. c. 5.

XI. And be it further enacted, That the said commissioners shall, from time to time, at their discretion, or as often as they shall be thereunto required, and as soon as possible after the determination of their examinations and proceedings, by virtue of this act, without any further requisition, give an account of their proceedings, in writing, to the lords commissioners of his Majesty's treasury, and to his Majesty's principal secretaries of state for the time being.

Commissioners to give an account of their proceedings to the treasury and secretaries of state.

XII. And be it further enacted, That the lords commissioners of the treasury, or lord high treasurer for the time being, are hereby authorized and required to issue and cause to be paid all such sums of money, not exceeding two thousand

Treasury to issue 2,000l. to the commissioners;

pounds *per annum*, to such person or persons as the said commissioners, or any two or more of them, shall, by writing under their hands, desire or direct, out of any part of the publick monies remaining in his Majesty's exchequer; which sum so issued and paid, shall be employed for the payment of clerks, messengers, and other officers, and in defraying all other necessary charges in or about the execution of the powers of this act, and in such manner, and in such proportions, as shall be appointed by the said commissioners, or any two or more of them, by writing under their hands and seals in that behalf, the same to be accounted for by the person or persons to whom the same shall be issued and paid, according to the course of his Majesty's exchequer, without any fee or other charges to be taken or demanded for the issuing and payment of the same, or on the passing of the said accounts, other than such sum as the said commissioners, or any two or more of them, shall appoint; and which money so issued shall not be subject to any tax, duty, rate, or assessment whatsoever, imposed by authority of parliament.

for paying clerks, &c.

XIII. Provided always, and be it enacted, That any of the said commissioners being on half pay, as an officer of the navy or army, shall be intitled to receive such half pay, notwithstanding any compensation that may be made to him for executing the powers of this act, on his taking the following oath before some justice of the peace, who is hereby impowered to administer the same:

Commissioners may receive half pay on taking the following oath.

I A. B. *do swear, That I had not, between* *any place or employment of profit, civil or military, under his Majesty, besides such compensation as shall have been or may be made to me as a commissioner for enquiring into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissentions in* America, *in consequence of their loyalty to his Majesty, and attachment to the* British *government.*

And the taking the said oath shall be sufficient to intitle such person to receive his half pay, without taking any other oath; any law, usage, or custom, to the contrary thereof notwithstanding.

In case of the death, &c. of a commissioner during the recess of parliament, his Majesty may appoint another.

XIV. And be it further enacted by the authority aforesaid, That in case of a vacancy or vacancies, by death or resignation, of any one or more of the said commissioners, during the recess of parliament, it shall and may be lawful for his Majesty to nominate and appoint such person or persons as he may think proper to supply such vacancy or vacancies; and that every person, so nominated and appointed, shall be held and considered to be invested with all the same powers as are delegated to the commissioners appointed by this act.

Continuance of the act.

XV. And be it further enacted, That this act shall continue in force for one year, from the fifteenth day of *July*, one thousand seven hundred and eighty-five, and no longer.

CAP.

CAP. LXXVII.

An act to amend so much of an act, passed in the fourteenth year of the reign of his present Majesty, for the further and better regulation of buildings and party walls; and for the more effectually preventing mischiefs by fire within the cities of *London* and *Westminster*, and the liberties thereof, and other the places therein mentioned, *as relates to manufactories of turpentine; for extending the provisions of the said act, so amended, to manufactories of pitch, tar, and turpentine, throughout that part of* Great Britain *called* England; *and for indemnifying the proprietor of a turpentine manufactory in* Potter's Fields, *in the borough of* Southwark, *against the penalties he may be liable to under the said act; and for excepting, for a limited time, his said manufactory from the provisions herein contained.*

Preamble.

Recital of 14 Geo. 3. c. 78.

WHEREAS *by a clause in an act, passed in the fourteenth year of the reign of his present Majesty King* George *the Third, intituled,* An act for the further and better regulation of buildings and party walls; and for the more effectually preventing mischiefs by fire within the cities of *London* and *Westminster*, and the liberties thereof, and other the parishes, precincts, and places, within the weekly bills of mortality, the parishes of *Saint Mary-le-bon*, *Paddington*, *Saint Pancras*, and *Saint Luke* at *Chelsea*, in the county of *Middlesex:* and for indemnifying, under certain conditions, builders and other persons against the penalties to which they are or may be liable for erecting buildings within the limits aforesaid contrary to law; *it is enacted, That turpentine shall not be distilled or boiled, nor oil of turpentine and rosin drawn by distilling turpentine, nor oil and turpentine be boiled together, in a larger quantity than ten gallons, within the limits aforesaid, in any workhouse or place contiguous to any other building, or in any place nearer to any other building than the distance of fifty feet at the least, under the penalties therein mentioned: and whereas the said distance of fifty feet is too small for the effectually preventing of accidents by fire from such manufactories, and it is proper that the same should be enlarged, and that the provision of the said clause so altered should be extended to manufactories of pitch and tar, and turpentine, throughout the kingdom;* may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the provision in the said recited act, respecting the making of turpentine, shall be, and the same is hereby repealed; and that, from and after the first day of *August*, one thousand seven hundred and eighty-five, it shall not be lawful for any person or persons, within that part of *Great Britain* called *England*, to distil or boil any turpentine or tar, or to draw any oil of turpentine and rosin by distilling turpentine, or to draw any oil of tar or pitch by distilling or boiling tar, or to boil any oil and turpen-

From Aug. 1, 1785. no turpentine, etc. shall be boiled within 75 feet of any other building;

turpentine together, or to boil any oil and tar together, above the quantity of ten gallons at one time, of all or any of the said commodities, in any workhouse or place contiguous to any other building, or in any place nearer to any other building than the distance of seventy-five feet at the least, (except in houses or buildings now in use for carrying on such manufactories, and now legally intitled to be used for those purposes), upon pain that every person offending therein shall, for every such offence, forfeit and pay the sum of one hundred pounds; which forfeitures shall and may be recovered, with treble costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed, one moiety whereof shall go to the use of the poor of the parish, precinct, or place wherein the offence shall have been committed, and the other moiety thereof to such persons as shall sue for the same.

on penalty of 100l.

II. Provided always, That nothing in this act contained shall extend, or be construed to extend, to prevent ship-wrights, barge-builders, boat-builders, or mast-makers, or other persons employed in building or repairing ships, barges, boats or other vessels, from boiling or mixing oil, and other materials, for the purpose of paying ships, barges, boats, or masts.

Exception in favour of shipwrights, &c.

III. *And whereas doubts may arise, whether the proprietor of a certain manufactory of turpentine, pitch, and tar, situate in* Potter's Fields, *in the parish of* Saint John Horsey Down, *in the borough of* Southwark, *which manufactory was expressly excepted from the provisions of an act passed in the seventh year of the reign of Queen* Anne, *intituled*, An act for making more effectual an act, made in the sixth year of her Majesty's reign, *for the better preventing of mischiefs that may happen by fire, but which exception was repealed by the said recited act of the fourteenth year of the reign of his present Majesty, may not have incurred the penalties by the said last mentioned act, inflicted on persons carrying on the manufactory of turpentine in houses situate within less than fifty feet of any other building: and whereas the proprietor of the said manufactory, not having received any compensation for being deprived, by the said last mentioned act, of the exception in favour of his premises, contained in the said act of the seventh year of the reign of Queen* Anne, *and the same having been repealed, without his knowledge and consent, it is reasonable that he should be indemnified from any penalties he may have incurred, by carrying on his business at his said manufactory, since the passing of the said last mentioned act*; be it therefore enacted by the authority aforesaid, That the proprietor of the said manufactory of turpentine shall be, and is hereby indemnified, freed, and discharged from and against all penalties and forfeitures by him incurred, under or by virtue of the said recited act of the fourteenth year of the reign of his present Majesty, any thing therein contained to the contrary thereof in any wise notwithstanding.

Proprietor of the manufactory in Potter's Fields, exempted from any penalty that might be incurred under 14 Geo. 3. c. 78.

7 Annæ, c. 17.

IV. *And whereas the proprietor of the said manufactory hath agreed*

agreed to accept a compensation for discontinuing the whole of his manufactory, as well that of pitch and tar as that of turpentine, at the place by him now occupied in Potter's Fields *aforesaid*, be it therefore further enacted, That it shall be lawful for the proprietor of the said manufactory to continue carrying on the same, for and during the space of six calendar months, and no longer; and that from thenceforth it shall not be lawful for any person or persons to carry on any manufacture of pitch, tar, or turpentine, on the scite of the said manufactory in *Potter's Fields*, except in houses or buildings constructed and continued in such form and manner as is by this act directed and required with respect to manufactories of pitch, tar, and turpentine, hereafter to be made or erected.

Proprietor of manufactory in Potter's Fields may carry on his work for six months longer.

V. And be it further enacted, That no action or prosecution shall be brought or commenced against any person or persons, for any penalty inflicted or to be incurred by virtue of this act, unless the same shall be commenced within six calendar months next after such penalty shall have been incurred.

Limitation of actions.

VI. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a publick act; and shall be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same.

Publick act.

CAP. LXXVIII.

An act for granting to His Majesty additional duties on hawkers, pedlars, and petty chapmen; and for regulating their trade.

Most gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, towards raising the necessary supplies which we have freely granted to your Majesty in this session of parliament, have resolved to give and grant unto your Majesty the several additional and new rates and duties hereafter mentioned; and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *August* one thousand seven hundred and eighty-five, there be raised, answered, and paid, to and for the use of his Majesty, his heirs and successors, the additional and new rates and duties following; that is to say,

Preamble.

From Aug. 1, 1785, the following duties shall be paid by hawkers and pedlars, etc.

By every hawker, pedlar, petty chapman, and every other trading person or persons, going from town to town, or to other men's houses, and travelling either on foot, or with horse, horses, or otherwise, in *England*, *Wales*, or the town of *Berwick upon Tweed*, carrying to sell, or exposing to sale, any goods, wares,

By every hawker, &c. an additional duty of 4l. per ann.

wares, or merchandizes, an additional duty of four pounds for each year:

By every hawker, &c. travelling with a horse, or other beast of burthen, a further duty of £1. per ann. for each beast.

By every person so travelling with a horse, ass, or mule, or other beast bearing or drawing burthen, the additional sum of eight pounds yearly for each beast he or she shall so travel with, over and above the said first mentioned duty, and over and above all other duties now payable by him or her.

Any hawker, etc. selling goods by auction to forfeit 50l. for each offence. 9 & 10 Gul. 3. c. 27.

II. And be it enacted by the authority aforesaid, That nothing in this act, or in a certain act made at a session of parliament held in the ninth and tenth years of the reign of his late majesty King *William* the Third, (intituled, *An act for licensing hawkers and pedlars, for a further provision of interest for the transport debt for reducing of* Ireland,) shall extend, or be construed to extend, to authorise or impower any hawker, pedlar, petty chapman, or any other trading person or persons, going from town to town, or to other men's houses, or travelling either on foot, or with horse or horses, or opening a room or shop, and exposing to sale any goods, wares, or merchandizes by retail, in any town, parish, or place, such person not being a householder there, or the same not being an usual place of his or her abode, or of his or her carrying on business, to vend or sell, from and after the twenty-fourth day of *June*, one thousand seven hundred and eighty-six, any goods or merchandizes whatsoever, by outcry, knocking down of hammer, candle, lot, parcel, or any other mode of sale at auction, or whereby the best or highest bidder is or shall be deemed to be the purchaser; but that every person and persons whatsoever, going from town to town, or to other men's houses, and travelling either on foot or with horse, horses, or otherwise howsoever, in *England*, *Wales*, or the town of *Berwick upon Tweed*, carrying to sell, or exposing to sale, any goods, wares, or merchandizes, either on his, her, or their own account, or by, for, or upon commission, or otherwise howsoever, who shall, from and after the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, vend or sell, or expose or offer to sale, any goods, wares or merchandizes, either on his, her, or their own account, or by commission, or otherwise, by outcry, knocking down of hammer, candle, lot, parcel, or any other mode of sale at auction, or whereby the best or highest bidder is or shall be deemed to be the purchaser, shall forfeit and pay, for every offence, the sum of fifty pounds, to be recovered and applied as herein-after is mentioned.

After Aug. 1, 1785, the whole of the former duties, and the present additional ones, must be paid on taking out the

III. And be it further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, every hawker, pedlar, petty chapman, and other trading person or persons, so travelling as aforesaid, shall, at the time of receiving his or her licence, as hereafter mentioned, and without any discount whatsoever, pay all duties granted or made payable by the said act, made in the reign of his said late majesty King *William* the Third; and also all

all duties granted, imposed, or mentioned in and by this present act, payable or imposed upon him or her respectively, to the commissioners for the time being for licensing hawkers, pedlars, and petty chapmen, or some person or persons authorised or deputed by them, or the major part of them, in writing under their hands and seals; and upon payment thereof, and not otherwise, a licence shall be granted to them, subscribed by the said commissioners for the time being, or any two of them, for him or her to travel and trade according to the true intent and meaning of this and the said act made in the reign of King *William* the Third, and according to the duties which shall then be paid upon receiving such licence.

licence, without any discount.

IV. And be it further enacted, That if any such hawker, pedlar, or petty chapman, or other trading person, so travelling as aforesaid, shall, from and after the said first day of *August*, one thousand seven hundred and eighty-five, be found trading as aforesaid, without, or contrary to, or otherwise than as shall be allowed by such licence, such person shall, for each and every such offence, forfeit the sum of ten pounds, to be recovered and applied as hereafter mentioned; and that if any person, so trading under and by virtue of any licence to him or her granted as aforesaid, upon demand made by any person or persons authorised or appointed to demand any such licence by the commissioners for licensing hawkers, pedlars, and petty chapmen for the time being, or any two of them, under their hands and seals, and upon producing or shewing such authority or appointment to such person so trading as last aforesaid, or upon demand made by any justice of the peace, mayor, or constable, or other officer of the peace of any county, riding, division, town corporate, borough, or place, where he or she shall so trade, shall refuse to produce and shew his or her licence for so trading as aforesaid, or shall not have his or her licence for so trading as aforesaid ready to produce and shew unto such person authorised or appointed as last aforesaid, or unto such justice of the peace, mayor, constable, or other officer of the peace; that then the person so refusing shall forfeit ten pounds, to be recovered and applied as herein-after mentioned, and for nonpayment thereof shall suffer as a common vagrant and be committed to the house of correction.

Every dealer travelling without licence forfeits 10l.

Every hawker refusing to produce his licence when required by an authorised person, forfeits 10l.

V. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall forge or counterfeit any licence or licences by this act directed to be granted, or travel with such forged or counterfeited licence or licences, for any of the purposes aforesaid, every such person shall, for every such offence, forfeit the sum of one hundred pounds, to be recovered and applied as herein-after is directed.

Every person travelling with a forged licence forfeits 10l.

VI. And be it further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, in case any person shall let out to hire, or lend any licence to him or her granted as aforesaid, or shall trade with or under colour of any licence

Every person lending, or letting his licence to hire, after Aug. 1, 1785, forfeits 10l. and his licence.

cence granted unto any other person whatsoever, or of any licence in which his or her own real name shall not be inserted as the name of the person to whom the same is granted, the person letting out to hire, or lending any such licence, and the person so trading with or under colour of any licence granted to any other person, or any licence in which his or her own real name shall not be inserted as the name of the person to whom the same is granted, shall each of them forfeit the sum of ten pounds, to be recovered and applied as herein-after mentioned: and in case any person shall be convicted, or have judgement against him for lending his or her licence to any other person or persons, contrary to this act, such his or her licence shall be from thenceforth forfeited and void, and he or she shall be utterly incapable of having any licence again granted to him or her to trade as aforesaid.

Every person trading without licence, or refusing to produce one, liable to be detained till the 10l. is paid.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons whatsoever to seize and detain any such hawker, pedlar, petty chapman, or other trading person as aforesaid, who shall be found trading without a licence, contrary to this act, or who being found trading shall refuse or neglect to produce a licence according to this act, after being required so to do for a reasonable time, in order to give notice to a constable, headborough, tithing-man, or other peace officer or officers, who are hereby required to carry such person so seized, unless they shall in the mean time produce their respective licences, before some of his Majesty's justices of the peace of the county or place where such offence or offences shall be committed; which said justice of the peace is hereby authorised and strictly required, either upon confession of the party offending, or due proof by witness upon oath, (which he is hereby impowered to administer), that the person so brought before him had so traded as aforesaid; and in case no such licence shall be produced by such offender before the said justice, by warrant under his hand and seal, to cause the said sum of ten pounds to be forthwith levied by distress and sale of the goods, wares, or merchandises of such offender or offenders, or of the goods with which such offender or offenders shall be found trading as aforesaid, rendering the overplus, if any be, to the owner or owners thereof, after deduction of the reasonable charges for taking the said distress, and out of the said sale to pay the said respective penalties and forfeitures aforesaid.

Every constable, etc. refusing to assist in the execution of this act, to forfeit 10l. for each offence.

VIII. And be it further enacted by the authority aforesaid, That if any constable, headborough, or tithingman, or other officer or officers of the peace, shall refuse and neglect, upon due notice, or on his or their own view, to be aiding and assisting in the execution of this or the said recited act, being thereunto required, each and every such officer or officers, being thereof convicted by the oath of one or more credible witness or witnesses, before any justice of the peace for the county or place where the offence shall be committed, shall forfeit, for each

each and every such offence contrary to this act, the sum of ten pounds, to be recovered and applied as hereafter mentioned.

Every hawker exposing to sale any goods, wares, etc. in any city or market town, or within two miles thereof, forfeits 10l.

IX. And be it further enacted by the authority aforesaid, That no hawker, pedlar, petty chapman, or any other trading person or persons, going from town to town, or to other men's houses, or travelling either on foot, or with horse or horses, or opening a room or shop, and exposing to sale any goods, wares, or merchandizes by retail, in any town, parish, or place, such person not being a householder there, or the same not being an usual place of his or her abode, or of his or her carrying on business, shall vend, sell, or expose to sale, any goods, wares, or merchandizes whatsoever, in any city or market town in *England*, *Wales*, or the town of *Berwick upon Tweed*, or within the distance of two miles from the middle of the most central market place, by the usual or most common road, of any such city or market town; and in case any such person or persons shall vend, sell, or expose to sale, any goods, wares, or merchandizes whatsoever, in any city or market town in *England*, *Wales*, or the town of *Berwick upon Tweed*, (except as before excepted), every such person shall forfeit and pay, for every such offence, the sum of ten pounds, to be recovered and applied as herein-after is mentioned.

except it be on a fair or market day.

X. Provided always, and it is hereby enacted, That nothing herein contained shall extend, or be construed to extend, to hinder any person or persons from selling, or exposing to sale, any sorts of goods or merchandizes in any publick mart, market, or fair, but that such person may do therein as they lawfully might have done before the making of this act; any thing herein before contained to the contrary notwithstanding.

No hawker to vend his goods in any county, etc. in case the justices, at the general quarter sessions, should have made an order to the contrary.

XI. Provided always, and be it further enacted, That it shall not be lawful for any hawker, pedlar, petty chapman, or other trading person, travelling as aforesaid, to vend his or her goods or wares, in any county, or city being a county of itself, or town being a county of itself, in *England* or *Wales*, by virtue of any such licence as aforesaid, in case the justices, assembled at the general quarter sessions of the peace, shall have made an order that hawkers, pedlars, petty chapmen, and other trading persons as aforesaid, shall not have liberty to vend their goods and wares in such county, city, or town, upon pain of forfeiting, for every such offence, the sum of ten pounds; and that no such order shall at any time be made, except at the quarter sessions next after *Michaelmas*, to be holden for such county, city, or town, and shall not be in force until nine months after notice shall have been given of the same in some publick newspaper, published or circulated in such county, city, or town respectively.

Persons offending to be liable to the like penalties as hawkers travelling without licence.

XII. Provided always, and be it further enacted, That if any hawker, pedlar, or petty chapman, or other trading person, shall vend any goods, wares, or merchandizes, in any such county, city, town, or place, contrary to any of the provisions in this act contained, such hawker, pedlar, or petty chapman, or

or other trading person, shall be subject and liable to the like penalties as is by this act inflicted on hawkers, pedlars, or petty chapmen, or other trading persons, travelling without licence.

Hawkers, etc. who were licensed on June 23, 1785, may set up any business in the place where they are resident inhabitants, though not brought up thereto, and may employ therein persons who have not been apprentices.

XIII. And be it further enacted, That from and after the first day of August, one thousand seven hundred and eighty-five, it shall be lawful for any person or persons who, on the twenty-third of *June*, one thousand seven hundred and eighty-five, was or were duly licensed to trade as hawkers and pedlars, to set up, occupy, use, or exercise any craft, mystery, or occupation used or occupied within this realm, in any place where they shall be resident inhabitants, although they shall not have been brought up in such craft, mystery, or occupation, seven years as apprentices, and also to set any person on work, in such craft, mystery, or occupation, although such person shall not have been apprentice therein as aforesaid, any penalty, matter, or thing, contained in an act, passed in the fifth year of the reign of Queen *Elizabeth*, intituled, *An act containing divers orders for artificers, labourers, servants of husbandry, and apprentices*, to the contrary notwithstanding; and that if any such persons, or their wives or children, shall be prosecuted for using or exercising any such craft, mystery, or occupation, in any city, town, or place, and shall make it appear that they had such licence as aforesaid, they shall, upon the general issue pleaded, be found not guilty, in any action, bill, plaint, information, or indictment, for such cause exhibited against them; and in all cases where costs are allowed, such persons, so acquitted, shall be intitled to and shall receive double costs; and that no such persons, their wives, or children, during the time they shall use and exercise such craft, mystery, or occupation, in any parish or place, shall be removeable therefrom to his, her, or their last legal place of settlement, until such person or persons shall become actually chargeable to such parish or place; any law now in being, relative to the settlement of the poor, to the contrary thereof notwithstanding.

No wholesale trader in British goods to be deemed a hawker, etc.

XIV. Provided always, and it is hereby enacted, That no person, being a wholesale trader in *English* bone-lace, in woollen, linen, silk, cotton, or mixed goods, or any of the goods, wares, or manufactures of *Great Britain*, and selling the same by wholesale, shall be deemed or taken to be a hawker, pedlar, or petty chapman, within the intent and meaning of this or of any other act relative to hawkers, or of any or either of them; and that all and every such person or persons, his, her, or their children, apprentices, servants, or agents, selling by wholesale only, shall go from house to house, and from shop to shop, to any of their customers who sell again by wholesale or retail, without being subject or liable to any of the penalties or forfeitures contained in this or in any of the said acts touching hawkers, pedlars, or petty chapmen; any thing in this or in any of the said acts contained to the contrary notwithstanding.

This act not to extend to

XV. Provided always, and it is hereby enacted, That nothing in this act shall extend, or be construed to extend, to prohibit

prohibit any person or persons from selling any printed papers licensed by authority, or any fish, fruits, or victuals, nor to hinder any person or persons who are the real workers or makers of any goods, wares, or manufactures of *Great Britain*, or his, her, or their children, apprentices, agents, or servants to such real workers or makers of such goods, wares, or manufactures only, from carrying abroad, exposing to sale, and selling by retail or otherwise, any of the said goods, wares, or manufactures, of his, her, or their own making, in any mart, market, or fair, and in every city, borough, town corporate, and market town; nor any tinkers, coopers, glaziers, plumbers, harness-menders, or other persons usually trading in mending kettles, tubs, household goods, or harness whatsoever, from going about and carrying with him or them proper materials for mending the same.

certain persons as herein described.

XVI. And be it further enacted, That all pecuniary penalties, which shall be incurred under this act, of a greater sum than twenty pounds, shall be recovered, together with costs of suit, in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint, or information, wherein no essoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed; and one moiety of every such penalty or forfeiture shall belong to his Majesty, his heirs and successors, and the other moiety thereof to the person or persons who shall inform or sue for the same.

How penalties above 20l. are to be recovered and appropriated.

XVII. And be it further enacted, That in all cases where the pecuniary penalty by this act imposed doth not exceed the sum of twenty pounds, it shall be recoverable before one of his Majesty's justices of the peace of the county, riding, shire, division, city, liberty, town, or place wherein the offence shall be committed, on proof of the offence, either by voluntary confession of the party or parties accused, or by the oath of one or more credible witness or witnesses; and one moiety of every such last mentioned penalty shall belong to his Majesty, his heirs and successors, and the other moiety to the informer or informers prosecuting for the same; and in case of nonpayment shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of such justice; and the overplus of the money raised, after deducting the penalty, and the expences of the distress and sale, shall be rendered to the owner, and, for want of sufficient distress, the offender shall be sent by such justice to the prison of such county, shire, division, city, liberty, town, or place, for such time, not exceeding six months, nor less than one month, as such justice shall think most proper.

How penalties under 20l. are to be recovered and appropriated.

XVIII. And be it further enacted, That if any person or persons shall find himself or themselves aggrieved by the judgement of any such justice, then he or they shall and may, upon giving security to the amount of the value of such penalty and forfeiture, together with such costs as shall be awarded in case such judgement shall be affirmed, appeal to the justices of the

Persons aggrieved may appeal to the quarter sessions.

peace at the next general quarter ſeſſions for the county, riding, or place, who are hereby impowered to ſummon and examine witneſſes upon oath, and finally to hear and determine the ſame; and in caſe the judgement of ſuch juſtice ſhall be affirmed, it ſhall be lawful for ſuch juſtices to award the perſon or perſons to pay ſuch coſts occaſioned by ſuch appeal, as to them ſhall ſeem meet.

All the powers contained in 8 & 9 Gul. 3. c. 27, etc. relating to the duties granted by that act. (except, etc.)

XIX. And be it further enacted, by the authority aforeſaid, That all and every the powers, authorities, directions, rules, methods, penalties, and forfeitures, exemptions, clauſes, matters, and things whatſoever, which in and by the ſaid act, made in the reign of King *William* the Third, or by any other law now in force relating to or concerning the duties by that act granted, are provided, ſettled, or eſtabliſhed, other than ſo far as the ſame is, are, or ſhall be inconſiſtent with, or contradictory or repugnant to, any thing in this act contained, and other than in ſuch caſes for which different proviſions are preſcribed by this act, ſhall be exerciſed, practiſed, applied, uſed, and put in execution, in and for the managing, raiſing, levying, collecting, recovering, and paying, the ſeveral duties hereby granted, and be in force with reſpect to the ſame, as fully and effectually, to all intents and purpoſes, as if all and every the ſaid powers, authorities, directions, rules, methods, penalties, forfeitures, exemptions, clauſes, matters, and things, were particularly repeated and again enacted in this preſent act.

ſhall be applied in execution of this act.

Penalty on witneſſes who ſhall neglect to appear, etc.

XX. And be it further enacted, That if any perſon or perſons ſhall be ſummoned as a witneſs or witneſſes to give evidence before any juſtice or juſtices of the peace touching any of the matters relative to this act, or to the herein-before mentioned act, made in the reign of King *William* the Third, and ſhall neglect or refuſe to appear at the time and place to be for that purpoſe appointed, without a reaſonable excuſe for ſuch neglect or refuſal, to be allowed of by ſuch juſtice or juſtices of the peace, or appearing, ſhall refuſe to be examined upon oath, and give evidence before ſuch juſtice or juſtices of the peace before whom the proſecution ſhall be depending, that then every ſuch perſon ſhall forfeit, for every ſuch offence, the ſum of ten pounds, to be recovered, levied, and paid, in ſuch manner, and by ſuch means, as are herein directed as to the other penalties.

Duties to be paid into the exchequer;

XXI. And be it further enacted by the authority aforeſaid, That the ſeveral duties herein-before granted ſhall be paid from time to time into the hands of the caſhier for the time being of the duties on hawkers, pedlars, and petty chapmen, who ſhall keep a ſeparate and diſtinct account of the ſeveral rates and duties, and pay the ſame (the neceſſary charges of raiſing, paying, and accounting for the ſame, being deducted) into the receipt of the exchequer, at ſuch time, and in ſuch manner, as the duties now charged on hawkers, pedlars, and petty chapmen, are directed to be paid; and that in the office of the auditor of the

and entered ſeparate from all others.

ſaid receipt ſhall be provided and kept a book or books, in which all the monies ariſing from the ſaid ſeveral rates and du-

ties, and paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies paid or payable to his Majesty, his heirs or successors, upon any account whatsoever; and the said money so paid into the said receipt of exchequer as aforesaid, shall be a fund for the payment of the several annuities, and all other charges and expences as are directed to be paid and payable pursuant to an act of this present session of parliament, intituled, *An act for granting annuities to satisfy certain navy, victualling, and transport bills, and ordnance debentures.*

Application thereof.

XXII. And be it further enacted, That if any person or persons shall at any time or times be sued, molested, or prosecuted for any thing by him or them done or executed in pursuance of this act, or of any clause, matter, or thing herein contained, such person or persons shall and may plead the general issue, and give the special matter in evidence for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or judgement shall be recovered against him or them upon demurrer, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

Defendants may plead the general issue, and recover treble costs.

CAP. LXXIX.

An act for repealing an act, made in the twenty-third year of the reign of his present Majesty, intituled, An act for granting to his Majesty a stamp-duty on licences to be taken out by certain persons uttering or vending medicines; and certain stamp-duties on all medicines sold under such licences, or under the authority of his Majesty's letters patent; *and for granting other duties in lieu thereof.*

WHEREAS *by an act, made in the twenty-third year of the reign of his present majesty King* George *the Third, intituled,* An act for granting to his Majesty a stamp-duty on licences to be taken out by certain persons uttering or vending medicines; and certain stamp-duties on all medicines sold under such licences, or under the authority of his Majesty's letters patent; *it was enacted, That, from and after the first day of* September, *one thousand seven hundred and eighty-three, there should be charged, levied, and paid, unto and for the use of his Majesty, his heirs and successors, the several rates and duties following; (that is to say), all persons (except such as had served a regular apprenticeship to any surgeon, apothecary, druggist, or chemist, or such as had kept a shop for the space of three years before the passing of that act, for the vending of drugs or medicines only, (not being drugs or medicines sold by virtue of his Majesty's letters patent), uttering or vending medicines in* Great Britain, *should annually take out a licence for that purpose, in manner therein prescribed; and where the persons so uttering or vending drugs or medicines, should reside within the cities of* London *and* Westminster, *or within the distance of the penny post, on every such licence there should be charged a stamp duty of twenty shillings; and where the persons, so uttering or vending such*

Preamble: 23 Geo. 3. c. 62. recited;

drugs or medicines, ſhould reſide in any other part of Great Britain, *there ſhould be charged on every ſuch licence a ſtamp duty of five ſhillings: upon every box, packet, bottle, or phial, or other incloſure of any medicine under the price or value of two ſhillings and ſixpence, which ſhould be uttered, vended, or ſold, by any perſon or perſons taking out ſuch licences, or by any perſon or perſons under the authority of his Majeſty's letters patent, there ſhould be charged a ſtamp-duty of three-pence: upon every box, packet, bottle, or phial, or other incloſure of any medicine of the price or value of two ſhillings and ſixpence, and under the price or value of five ſhillings, which ſhould be uttered, vended, or ſold, by any perſon or perſons taking out ſuch licences, or by any perſon or perſons under the authority of his Majeſty's letters patent, there ſhould be charged a ſtamp-duty of ſixpence: upon every box, packet, bottle, or phial, or other incloſure of any medicine of the price or value of five ſhillings and upwards, which ſhould be uttered, vended, or ſold, by any perſons taking out ſuch licences, or by any perſons under the authority of his Majeſty's letters patent, there ſhould be charged a ſtamp-duty of one ſhilling:* now, we, your Majeſty's moſt dutiful and loyal ſubjects, the commons of *Great Britain*, in parliament aſſembled, finding that it will be convenient and for the publick ſervice to repeal the ſaid ſtamp-duties, ſo made payable by the ſaid recited act, and to grant unto your Majeſty the ſeveral new ſtamp-duties herein-after mentioned, for ſecuring a certain fund for the payment of ſuch annuities as by the ſaid recited act were charged upon the ſaid ſtamp-duties; therefore do moſt humbly beſeech your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of

and repealed. the ſame, That, from and after the firſt day of *September*, one thouſand ſeven hundred and eighty-five, the rates and duties granted by an act, made and paſſed in the twenty-third year of his preſent Majeſty, intituled, *An act for granting to his Majeſty a ſtamp-duty on licences to be taken out by certain perſons uttering or vending medicines; and certain ſtamp-duties on all medicines ſold under ſuch licences, or under the authority of his Majeſty's letters patent*; ſhall ceaſe, determine, and be no longer paid or payable.

From Sept. 1, 1785, the duties following are to be paid, viz.

II. And be it further enacted by the authority aforeſaid, That, from and after the ſaid firſt day of *September*, one thouſand ſeven hundred and eighty-five, there ſhall be raiſed, levied, collected, and paid, throughout the kingdom of *Great Britain*, unto and for the uſe of his Majeſty, his heirs and ſucceſſors, the ſeveral rates and duties following; (that is to ſay),

For every packet, etc. of medicines not exceeding 1s. in value,-- 2d. 2q.:

That, for and upon every packet, box, bottle, phial, or other incloſure containing any drugs, oils, waters, eſſences, tinctures, powders, or other preparation or compoſition whatſoever, uſed or applied, or to be uſed or applied, externally or internally, as medicines or medicaments for the prevention, cure, or relief of any diſorder or complaint incident to, or in any wiſe affecting the human body, which ſhall be uttered or vended

vended in *Great Britain*, there shall be charged a stamp-duty according to the rates following; (that is to say,) where the contents of any such packet, box, bottle, phial, or other inclosure aforesaid, shall not exceed the price or value of one shilling, there shall be charged a stamp-duty of one penny halfpenny:

And where the contents of any such packet, box, bottle, phial, or other inclosure aforesaid, shall exceed the price or value of one shilling, and not exceed the price or value of two shillings and sixpence, there shall be charged a stamp-duty of three-pence:

For every such packet, etc. from 1s. to 2s. 6d. in value, —3d.

And where the contents of any such packet, box, bottle, phial, or other inclosure aforesaid, shall be above the price or value of two shillings and sixpence, and under the price or value of five shillings, there shall be charged a stamp-duty of sixpence:

Between 2s. 6d. and 5s. in value, — 6d.

And where the contents of any such packet, box, bottle, phial, or other inclosure, shall be of the price or value of five shillings or upwards, there shall be charged a stamp-duty of one shilling.

Of 5s. value or upwards, —1s.

III. Provided always, That nothing herein before contained shall extend, or be construed to extend, to charge with the rates or duties hereby imposed, any drug or drugs named or contained in either of the books of rates; (that is to say), the book of rates, subscribed with the name of sir *Harbottle Grimstone* baronet, and mentioned and referred to by the act of tonnage and poundage, made in the twelfth year of the reign of King *Charles* the Second; or in the other book of rates, intituled, *An additional book of rates of goods and merchandizes usually imported, and not particularly rated in the book of rates referred to in the act of tonnage and poundage, made in the twelfth year of the reign of King* Charles *the Second, with rules, orders, and regulations, signed by the right honourable* Spencer Compton, *speaker of the honourable house of commons*, and mentioned and referred to by an act made and passed in the eleventh year of the reign of his majesty King *George* the First; nor to any medicinal drug or drugs whatsoever, which shall be uttered or vended entire, without any mixture or composition with any other drug or ingredient whatsoever, by any surgeon, apothecary, chymist, or druggist, who hath served a rugular apprenticeship, or by any person who hath served as a surgeon in the navy or army, under any commission or appointment which shall have been duly entered at the war office or navy office, or by any other person whatsoever licensed in pursuance of this act; but that all such drugs shall and may be uttered and vended by all such surgeons, apothecaries, chymists, and druggists, or other persons licensed as aforesaid, freed and discharged from the rates and duties by this act imposed on drugs, in such manner as they respectively, before the passing of this act, and the said herein recited act, might have done.

Duties not to extend to articles mentioned in two books of rates, referred to by 12 Car. 2. c. 4. and 11 Geo. 1. c. 7; nor to unmixed drugs sold by a regular surgeon, etc.;

nor to mixtures, etc. prepared by regular surgeons, etc. not claiming the secret of, or exclusive right to the preparing the same;

IV. Provided also, That nothing herein-before contained shall extend, or be construed to extend, to charge with the like rates, or duties any mixture, composition, or preparation whatsoever, mixed or compounded with, or prepared from medicinal drugs, medicated or chymical preparations or compositions, or other ingredients bearing different denominations, or having different properties, qualities, virtues, or efficacies, which shall be uttered or vended by any such surgeon, apothecary, chymist, or druggist, as aforesaid, or by any such person who hath served as a surgeon in the navy or army, under any such commission or appointment as aforesaid, the different denominations, properties, qualities, virtues, and efficacies of which mixtures, compositions, and preparations, are known, admitted, and approved of, in the prevention, cure, or relief of any disorder, malady, ailment, or complaint incident to, or in anywise affecting the human body; and wherein the person mixing, compounding, preparing, or uttering or vending the same, hath not, nor claims to have, any occult, secret, or unknown art for the mixing, compounding, or preparing the same, nor hath, nor claims to have, any exclusive right or title to the mixing, compounding, or preparing, or to the vending of the same, and which mixtures, compositions, or preparations, have not been, are not, nor hereafter shall be prepared, uttered, vended, or exposed to sale, under the authority of any letters patent under the great seal, nor at any time heretofore have been, now are, or hereafter shall be, by any publick notice, advertisement, or by written or printed papers or hand bills, held out or recommended to the publick by the makers, proprietors, or venders thereof, as nostrums or proprietary medicines, or as specifics, or otherwise, for the prevention, cure, or relief of any such distemper, malady, ailment, or complaint as aforesaid.

nor sold under letters patent, or advertised as nostrums, etc.

Persons vending preparations liable to duties, to take out an annual licence.

V. And be it further enacted by the authority aforesaid, That every person in *Great Britain*, uttering or vending any drugs, oils, waters, essences, tinctures, powders, or other preparations or compositions whatsoever, used or applied, or to be used or applied, externally, or internally, as medicines or medicaments for the prevention, cure, or relief of any disorder or complaint incident to, or in anywise affecting the human body subject to the duties herein-before imposed, shall, annually, take out a licence for that purpose; and that, for and upon every licence so taken out by any such person who shall reside within the cities of *London* or *Westminster*, the borough of *Southwark*, or within the limits of the penny post, or within the city of *Edinburgh*, there shall be charged a stamp-duty of twenty shillings; and for and upon every licence, so taken out by any other such person, there shall be charged a stamp-duty of five shillings.

Rates of duties on licences.

Duties to be under the management of the commissioners for stamps.

VI. And be it further enacted by the authority aforesaid, That, for the better and more effectual levying and collecting all the said duties herein-before granted, the same shall be under the government, care, and management of the commissioners for the time being appointed to manage the duties charged on stamped

stamped vellum, parchment, and paper; who, or the major part of them, are hereby required and impowered to appoint and employ such officers under them for that purpose, and to allow such salaries and incidental charges as may be necessary, and to provide and use such stamps to denote the said several duties as shall be requisite in that behalf, and to do all other things necessary to be done for putting this act in execution with relation to the said rates and duties herein-before granted, in the like, and in as full and ample manner, as they, or the major part of them, are or is authorised to put in execution any former law concerning stamped vellum, parchment, and paper.

Commissioners for stamps to grant licences for one year from Sept. 1, 1785, or any subsequent day.

VII. And be it further enacted by the authority aforesaid, That, from and after the passing of this act, any two or more of his Majesty's commissioners appointed for managing the duties arising by stamps on vellum, parchment, and paper, or some person duly authorised by them, shall grant licences to such persons who shall apply for the same, to utter or vend, in any city, town, or other place within *Great Britain*, any drugs, oils, waters, essences, tinctures, powders, or other preparation or composition whatsoever, used or applied, or to be used or applied, externally or internally, as medicines or medicaments for the prevention, cure, or relief of any disorder or complaint incident to, or in anywise affecting the human body, and subject to the duties by this act imposed; and the said licences shall continue in force for the space of one year, commencing from the first day of *September*, one thousand seven hundred and eighty-five, upon all licences to be granted on or before that day; and upon licences to be first granted to any person or persons after the said first day of *September*, one thousand seven hundred and eighty-five, to commence from the day of the date of every such licence; and all and every person and persons, who shall take out such licence for uttering or vending any such drugs, medicines, medicaments, or other preparations or compositions aforesaid, shall take out a fresh licence for another year, ten days at the least before the expiration of that year for which he or she shall be so licensed, if he or she shall continue to utter or sell such drugs, medicines, medicaments, or other preparations or compositions aforesaid; and shall, in like manner, renew such licence, from year to year, paying down the respective sums due for the stamps on such licences, as long as he or she shall continue to utter or vend such drugs, medicines, medicaments, or other preparations or compositions as aforesaid.

New licences to be taken out ten days before the old expire.

Every person selling medicines liable to duties without a licence, forfeits 5l.

VIII. And be it further enacted by the authority aforesaid, That, from and after the said first day of *September*, one thousand seven hundred and eighty-five, no person whatsoever shall utter vend, or expose to sale, any drugs, medicines, medicaments, or other preparations or compositions aforesaid, which shall be subject to the duty herein-before imposed, unless he or she shall have first obtained a licence in such manner as is herein-before directed, upon pain to forfeit, for every such offence,

the sum of five pounds, to be recovered and applied as hereinafter is directed.

Persons vending such medicines to send labels to be stampt, which are to be affixed to the medicines.

IX. *And, in order to secure the duty hereby imposed,* be it further enacted by the authority aforesaid, That every person making, preparing, or vending any such drugs, medicines, or medicaments, or other preparations or compositions aforesaid, which are subject to the duty herein-before imposed, shall, from time to time, send, or cause to be sent, to the said commissioners of stamps, or to their officers appointed by them for that purpose, paper covers, wrappers, or labels, made for inclosing such packets, boxes, bottles, phials, or other inclosures, containing or intended to contain any such drugs, medicines, medicaments, or other preparations or compositions aforesaid, with his, her, or their name or names, and any other particular word or thing printed thereon, to denote the value at which the same are respectively intended to be sold, in such manner and form as the said commissioners shall from time to time direct, in order that the same may be stamped with the several and respective duties hereby directed to be imposed, and marked, impressed, and distinguished with such other mark or device as the said commissioners shall direct, and delivered again from time to time to such maker or vender, as occasion shall require; and all and every the packets, boxes, bottles, or phials, or other inclosures, containing any drugs, medicines, medicaments, or other preparations or compositions aforesaid, uttered, vended, or exposed to sale, by any person or persons whatsoever, shall have pasted, stuck, fastened, or affixed thereto, such covers, wrappers, or labels, stamped, marked, impressed, and distinguished as aforesaid, in such manner as the said commissioners shall from time to time direct.

A penalty of 5l. on persons vending medicines without a label, etc.

X. And be it further enacted by the authority aforesaid, That no person or persons shall utter, vend, or expose to sale, any packet, box, bottle, or phial, or any other inclosure, containing any drug, medicine, medicament, or other preparation or composition aforesaid, subject to the stamp duties hereby imposed, unless the cover, wrapper, or label, hereby directed to be pasted, stuck, fastened, or affixed to the same, shall be pasted, stuck, fastened, or affixed thereto, and marked and stamped as by this act is directed; or that shall have any cover, wrapper, or label pasted, stuck, fastened, or affixed thereto, marked or stamped with a mark or stamp, of less denomination or value than by this act is directed, under pain that all and every such person and persons so offending shall forfeit and pay, for every packet, box, bottle, or phial, or other inclosure, containing any such drug, medicine, medicament, or other preparation or composition aforesaid, so uttered, vended, or exposed to sale, the sum of five pounds, to be recovered and applied as herein-after is directed.

XI. *And, to prevent the cover, wrapper, or label, and the mark or stamp thereon, hereby directed to be pasted, stuck, fastened, or affixed to every packet, box, bottle, phial, or other inclosure, containing*

taining any drug, medicine, medicament, or other preparation or composition aforesaid, from being made use of again after they have been sold and disposed of, to be affixed to other packets, boxes, bottles, phials, or other inclosures, containing any drugs, medicines, medicaments, or other preparations or compositions aforesaid by which practices his Majesty's revenue might be lessened and diminished; be it further enacted by the authority aforesaid, That if any person or persons shall, from and after the first day of *September*, one thousand seven hundred and eighty-five, fraudulently cut, tear, or take off any mark or stamp, in respect whereof or whereby any duties are hereby payable, or denoted to be paid or payable to his Majesty, on any packet, box, bottle, or phial, or other inclosure, containing any drug, medicine, medicament, or other preparation or composition aforesaid, subject to the duties hereby imposed, after the same shall have been sold or disposed of as aforesaid; or shall fraudulently paste, stick, fasten, or affix to any such packet, box, bottle, or phial, any cover, wrapper, or label, so marked and stamped as aforesaid, the same having once been made use of for the purpose aforesaid; or shall utter, vend, or expose to sale, any packet, box, bottle, phial, or other inclosure, containing any drug, medicine, medicament, or other preparation, or composition aforesaid, with such cover, wrapper, or label, so fraudulently cut, torn, or taken off as aforesaid, and pasted, stuck, fastened, or affixed thereto; all and every person and persons so offending, in any of the particulars before mentioned, shall, for every such offence, forfeit and pay the sum of ten pounds, to be recovered and applied as herein-after is directed.

Persons selling medicines with the same label a second time etc. forfeit. 10l.

XII. *And, to prevent persons from fraudulently selling or buying any covers, wrappers, or labels, which have been before made use of for denoting any of the duties by this act imposed, or any packets, boxes, bottles, phials, or other inclosures, wherein any drugs, medicines, medicaments, or other preparations or compositions aforesaid, have been contained, and sold and disposed of with such covers, wrappers, or labels, pasted, stuck, fastened, or affixed thereto*; be it further enacted by the authority aforesaid, That if any person or persons shall, from and after the first day of *September*, one thousand seven hundred and eighty-five, sell or buy any such cover, wrapper, or label, which hath before been made use for the inclosing any packet, box, bottle, or phial, or other inclosure of any drug, medicine, medicament, or other preparation or composition, liable to the duty hereby imposed, in order to be again made use of for the like purpose; or shall sell or buy any packet, box, bottle, phial, or other inclosure, with such cover, wrapper, or label, which hath before been made use of as aforesaid, pasted, stuck, fastened, or affixed thereto; every such person so offending shall, for every such offence, forfeit and pay the sum of ten pounds, to be recovered and applied as herein-after is directed.

Persons selling or buying labels for the purpose of being used a second time, or buying or selling any packet with such a label, forfeit 10l.

XIII. Provided always, and be it further enacted by the authority aforesaid, That if either the buyer or seller of any such

Either buyer or seller may

inform against the other, and be himself indemnified.

such cover, wrapper, or label, or any such packet, box, bottle, phial, or other inclosure, shall inform against the other party concerned in buying or selling such cover, wrapper, or label, or such packet, box, bottle, phial, or other inclosure, the party so informing shall be admitted to give evidence against the party informed against, and shall be indemnified from the penalties by him or her incurred, and shall receive the same benefit and advantage as any other informer shall be intitled to by virtue of this act for such information.

Allowances for prompt payment of duties.

XIV. And be it further enacted by the authority aforesaid, That the said commissioners for the time being appointed to manage the duties upon stamped vellum, parchment, and paper, shall allow and pay to every person that shall be supplied with, or shall bring any paper covers, or wrappers, or labels as aforesaid, to the head office of stamps, to be stamped in pursuance of this act, the duty whereof, hereby imposed, shall amount to the sum of ten pounds or upwards; after the rate of two pounds in the hundred pounds *per annum*; and if such duty shall amount to the sum of fifty pounds or upwards, after the rate of five pounds in the hundred pounds *per annum*, upon present payment of the said duty upon the said paper covers, wrappers or labels, so to them supplied or by them brought.

Notice of the place of making or vending medicines, with the prices, &c. to be sent to the stamp-office.

XV. And be it further enacted by the authority aforesaid, That, from and after the said first day of *September*, one thousand seven hundred and eighty-five, every person and persons who shall make, prepare, utter, vend, or expose to sale, any such medicines, medicaments, or other preparations or compositions aforesaid, liable to the duties imposed by this act, before they respectively shall make, prepare, utter, vend, or expose to sale, any such medicines, medicaments, or other preparations or compositions aforesaid, shall give or send notice in writing of the usual house or place, houses or places, where they respectively shall make, prepare, utter, vend, or expose to sale, the same; and also of all drugs, oils, waters, essences, tinctures, powders, and other preparations and compositions subject to the duties by this act imposed, that shall be made, prepared, uttered, vended, or exposed to sale by them respectively, or intended so to be; which notice shall be given or sent to the commissioners for the time being for managing the duties on stamped vellum, parchment, and paper, or to their officers next adjacent to the place where such medicines, medicaments, or other preparations or compositions, shall be made, prepared, uttered, vended, or sold; and the like notice shall be given or sent by every such person or persons as often as they respectively shall change their places for that purpose, or shall change or vary the articles, or any of them, in which they shall so deal; and which notice shall contain the true and just name and names of all such drugs, oils, waters, essences, tinctures, powders, or other preparations or compositions aforesaid, by which the same respectively have been, or now are, or at any time hereafter, shall be called, known, or distinguished, and the kinds

kinds and qualities thereof, and the price or prices at which the same shall be intended to be vended or exposed to sale, upon pain that every person, making default in giving such notice as aforesaid, for every such offence, shall forfeit and pay the sum of ten pounds, to be recovered and applied as herein-after is directed.

XVI. *And, in order to obviate any doubts which may arise in the construction of this act for want of a particular specification, denomination, and enumeration of the different drugs, oils, waters, essences, tinctures, powders, or preparations or compositions which are charged with, or subject to the rates or duties by this act imposed, or to which the same shall extend*; be it declared and further enacted, That the rates and duties hereby imposed on drugs, oils, waters, essences, tinctures, powders, and other preparations or compositions used or applied, or to be used or applied, as medicines or medicaments for the prevention, cure, or relief of any distemper, malady, ailment, or disorder, incident to or in any wise affecting the human body, and upon persons uttering or vending the same; and all the powers, provisions, articles, clauses, distributions of penalties and forfeitures, and all other matters and things prescribed or appointed by this act for the raising, levying, collecting, and securing the said rates and duties, shall extend, and be deemed, and adjudged to extend, to charge with the said rates and duties all and every the article and articles mentioned, named, enumerated, or specified in the schedule hereunto annexed, by the respective names therein mentioned, or by whatsoever other name or names the same have heretofore been, now are, or hereafter shall be called, known, or distinguished; and also all pills, powders, lozenges, tinctures, potions, cordials, electuaries, plaisters, unguents, salves, ointments, drops, lotions, oils, spirits, medicated herbs, and waters, chemical and officinal preparations whatsoever, of the same or the like properties, qualities, virtues, or efficacies, with those articles so mentioned, named, enumerated, or specified therein, or any of them, made, prepared, uttered, vended, or exposed to sale by any person or persons whatsoever, wherein the person making, preparing, uttering, vending, or exposing to sale the same, hath, or claims to have, any occult, secret, or unknown art for the making or preparing the same, or hath or claims to have any exclusive right or title to the making or preparing the same, or which at any time heretofore have been, now are, or hereafter shall be prepared, uttered, vended, or exposed to sale, under the authority of any letters patent under the great seal, or which at any time heretofore have been, now are, or hereafter shall be, by any publick notice or advertisement, or by written or printed papers or hand bills, held out or recommended to the publick, by the makers, venders, or proprietors thereof, as nostrums or proprietary medicines, or as specifics, or otherwise, for the prevention, cure, or relief of any such distemper, malady, ailment, or complaint as aforesaid; and shall also extend, and be deemed and adjudged to extend, to charge

This act to extend to the schedule annexed, and to all articles of the like qualities;

and where a secret art or exclusive right is claimed, or the medicines are advertised as nostrums, &c.

charge with the rates or duties imposed on licences, all and every person and persons respectively who shall utter, vend, or expose to sale, any such preparations or compositions as aforesaid.

Persons counterfeiting marks, &c. guilty of felony.

XVII. And be it further enacted, That if any person or persons shall counterfeit or forge, or procure to be counterfeited or forged, any seal, stamp, or mark, directed or allowed to be used, or provided, made, or used, in pursuance of this act, for the purpose of denoting the duties by this act granted, or shall counterfeit or resemble the impression of the same upon any vellum, parchment, or paper, with an intent to defraud his Majesty, his heirs or successors, of any of the said duties; or shall utter, vend, or sell any vellum, parchment, or paper, directed to be marked or stamped with any mark or stamp provided and used in pursuance of this or any other act or acts of parliament, for denoting the duties thereby granted, with a counterfeit mark or stamp thereupon, knowing such mark or stamp to be counterfeit; or if any person shall privately and fraudulently use any seal, stamp, or mark, directed, or allowed to be used by this act, with intent to defraud his Majesty, his heirs or successors, of any of the said duties; then every such person so offending, and being thereof convicted, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy.

Regulations of all former acts, relative to stamp duties, extended to this act.

XVIII. And be it further enacted by the authority aforesaid, That all powers, provisions, articles, clauses, and all other matters and things, prescribed or appointed by any former act or acts of parliament, relating to the stamp-duties on vellum, parchment, and paper, shall be of full force and effect with relation to the rates and duties hereby imposed, and shall be applied and put in execution for raising, levying, collecting, and securing the said new rates and duties hereby imposed, according to the true intent and meaning of this act, as fully, to all intents and purposes, as if the same had severally and respectively been hereby enacted, with relation to the said new rates and duties hereby imposed.

How penalties are to applied.

XIX. And be it further enacted by the authority aforesaid, That all pecuniary penalties, hereby imposed, shall be divided and distributed, (if sued for within the space of six calendar months from the time of any such penalty being incurred) in manner following; one moiety thereof to his Majesty, his heirs and successors, and the other moiety thereof, with full costs of suit, to the person or persons who shall inform and sue for the same.

How penalties are to be recovered.

XX. And be it further enacted by the authority aforesaid, That all pecuniary penalties, imposed on any person or persons for offences committed against this act, shall and may be sued for and recovered in any of his Majesty's courts at *Westminster*, for offences committed in that part of *Great Britain* called *England*, the dominion of *Wales*, or the town of *Berwick upon Tweed*; and in his Majesty's court of sessions, court of justiciary, or court of exchequer in *Scotland*, for offences committed in that

that part of *Great Britain* called *Scotland*, by action of debt, bill, plaint, or information, wherein no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed.

In default of prosecution in time limited, the whole penalties belong to his Majesty.

XXI. Provided always, and be it further enacted by the authority aforesaid, That such division or distribution of the penalties as aforesaid, shall be, and is hereby confined and restricted to the prosecuting for the same within the time hereinbefore for that purpose limited; and that in default of such prosecution within the time aforesaid, no informer or informers shall have or be intitled to any part or share of such penalties, but that the whole thereof shall belong to his Majesty, his heirs and successors, and shall be recoverable in manner aforesaid; any thing herein contained to the contrary notwithstanding.

Justices may determine matters relative to pecuniary penalties.

XXII. Provided always, and it is hereby enacted by the authority aforesaid, That it shall and may be lawful to and for any justice of the peace, residing near the place where the offence shall be committed, to hear and determine any offence against this act, which subjects the offender to any pecuniary penalty, at any time within six months after the offence committed or to be committed against this act; which said justice of the peace is hereby authorised and required, upon any such information exhibited, or complaint made in that behalf, to summon the party accused, and also the witnesses on either side, and shall examine into the matter of fact; and upon due proof made thereof, either by the voluntary confession of the party, or by the oath of one or more credible witness or witnesses, to give judgement or sentence for the penalty or forfeiture according as in and by this act is directed, and to award and issue out his warrant, under his hand and seal, for the levying any pecuniary penalties or forfeitures so adjudged on the goods of the offender, and to cause sale to be made thereof, in case they shall not be redeemed within six days, rendering to the party the overplus, if any; and where the goods of the offender cannot be found sufficient to answer the penalty, to commit such offender to prison, there to remain for the space of three months, unless such pecuniary penalty shall be sooner paid and satisfied; and if any person or persons shall find himself or themselves aggrieved by the judgement of any such justice, then he or they shall and may, upon giving security to the amount of the value of such penalty and forfeiture, together with such costs as shall be awarded in case such judgement shall be affirmed, appeal to the justices of the peace at the next general quarter sessions for the county, riding, shire, stewartry, or place, who are hereby impowered to summon and examine witnesses upon oath, and finally to hear and determine the same; and in case the judgement shall be affirmed, it shall be lawful for such justices to award the person or persons to pay such costs occasioned by such appeal as to them shall seem meet.

Appeal may be made to the quarter sessions.

XXIII. And be it further enacted by the authority aforesaid, That

Witnesses neglecting to attend, forfeit 40s.

That if any person or persons shall be summoned as a witness or witnesses to give evidence before such justice or justices of the peace, touching any of the matters relative to this act, either on the part of the prosecutor or of the person or persons accused, and shall neglect or refuse to appear at the time and place to be for that purpose appointed, without a reasonable excuse for such, his, her, or their neglect or refusal, to be allowed of by such justice or justices of the peace before whom the prosecution shall be depending, that then every such person shall forfeit, for every such offence, the sum of forty shillings, to be levied and paid in such manner, and by such means, as hereinbefore directed as to other penalties.

XXIV. And be it further enacted by the authority aforesaid, That the justice or justices of the peace before whom any offender shall be convicted as aforesaid, shall cause the said conviction to be made out in the manner and form following, or in any other form of words to the same effect, *mutatis mutandis*; (that is to say):

Form of conviction.

BE *it remembered, That on the day of in the year of our Lord in the county of* A.B. *of was convicted before me* C.D. *one of his Majesty's justices of the peace for the said county, residing near the place where the offence was committed, for that the said* A.B. *on the day of now last past, did, contrary to the form of the statute in that case made and provided,* [here state the offence against the act]; *and I do declare and adjudge that he the said* A.B. *hath forfeited the sum of of lawful money of* Great Britain, *for the offence aforesaid, to be distributed as the law directs.*

Given under my hand and seal the day of

Justice may mitigate penalties.

XXV. Provided nevertheless, That it shall and may be lawful to and for the said justice, where he shall see cause, to mitigate and lessen any such penalties as he shall think fit, reasonable costs and charges of the officers and informers, as well in making the discovery as in prosecuting the same, being always allowed, over and above such mitigation, and so as such mitigation do not reduce the penalties to less than one moiety of the penalties incurred, over and above the said costs and charges; any thing contained in this act, or any other act of parliament to the contrary notwithstanding; and no such conviction shall be removed by *certiorari* into any court whatsoever.

Duties to be paid into the exchequer.

XXVI. And be it further enacted by the authority aforesaid, That the several duties herein-before granted shall be paid, from time to time, into the hands of the receiver general for the time being of the duties on stamped vellum, parchment, and paper, who shall keep a separate and distinct account of the several rates and duties, and pay the same (the necessary charges of raising, paying, and accounting for the same, being deducted) into the receipt of the exchequer, at such time, and in such manner,

manner, as the duties now charged on ſtamped vellum, parchment, and paper, are directed to be paid; and that in the office of the auditor of the ſaid receipt ſhall be provided and kept a book or books, in which all the monies ariſing from the ſaid ſeveral rates and duties, and paid into the ſaid receipt as aforeſaid, ſhall be entered ſeparate and apart from all other monies paid or payable to his Majeſty, his heirs or ſucceſſors, upon any account whatſoever; and the ſaid money ſo paid into the ſaid receipt of exchequer as aforeſaid, ſhall be a fund for the payment of the ſeveral annuities, and all other charges and expences as are directed to be paid and payable purſuant to an act of parliament paſſed in the twenty-third year of the reign of his preſent Majeſty, intituled, *An act for raiſing a certain ſum of money by way of annuities, and for eſtabliſhing a lottery.* and to be kept ſeparate from all other duties. Application thereof.

XXVII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall at any time or times be ſued, moleſted, or proſecuted, for any thing by him or them done or executed in purſuance of this act, or of any clauſe, matter, or thing herein contained, ſuch perſon or perſons ſhall and may plead the general iſſue, and give the ſpecial matter in evidence, for his or their defence; and if upon the trial a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs become nonſuited, then ſuch defendant or defendants ſhall have treble coſts awarded to him or them againſt ſuch plaintiff or plaintiffs. Defendants may plead the general iſſue, and recover treble coſts.

SCHEDULE to which this act refers:

Containing the names by which many medicinal preparations now in uſe, ſubject to the duties by this act impoſed, are known and diſtinguiſhed.

DRUGS, OILS, WATERS, *etcetera, uſed as medicines; commonly called*

ANALEPTIC Pills, Doctor James's.
Ague and Fever Drops.
Anderſon's Scotch Pills.
Andaluſia Water.
Anodyne Necklace.
Antipertuſſis.
Antirheumatic Drops.
Balſamic Electuary for the Whooping Cough.
Bateman's Drops.
Betton's original Britiſh Oil.
Beaume de Vie.
Birt's Martial Balſam.
Boſtock's Grand Elixir.
Cox's Tincture.
Daffy's Elixir.
Dalby's Carminative.
Dawſon's Lozenges.
Doctor Dickinſon's Cephalic Drops.
Edward's Ague Tincture.
Eſſence of Water Dock.
Falck's Univerſal Pills.
Freeman's Bathing Spirits.
Fryar's Balſam.
Fendon's Drops.
Godfrey's Cordial.
Grant's Drops.
Griffin's Tinctura Aſthmatica.
Hickman's Pills.
Hill's Pectoral Balſam of Honey.

Hill's

Hill's Tincture of Sage.
Ditto Tincture of Valerian.
Ditto Essence of Water Dock.
Ditto Elixir of Bardana.
Ditto Tincture of Centaury.
Ditto Canada Balsam.
Hamilton's Cinnamon Drops.
Ditto —— Asthmatic Effluvia.
Ditto —— Vegetable Balsamic Tincture.
Hooper's Female Pills.
Holdsworth's Lozenges.
Hunter's Elixir.
Ditto — Restorative.
James's Fever Powder.
Jesuit Drops.
Johnson's Yellow Ointment.
Keyser's Pills.
Leake's Pills.
Lozenges of Blois.
Ditto —— of Tolu.
Ditto ——Stomachic.
Ditto —— Specific.
Ditto —— for the Heartburn.
Lockyer's Pills.
Le Cour's Imperial Oil.
Norton's Maredant's Antiscorbutic Drops.
Norris's Drops.
Peters's Tincture.
Peters's Pills.
Peke's Ointment.
Ratcliff's Elixir.
Spilsbury's Antiscorbutic Drops.
Speedman's Stomach Pills.
Spirits of Scurvy Grass.
Stomachic Lozenges.
Stoughton's Elixir.
Stern's Balsamic Æther.
Squire's Elixir.
Steer's Opodeldoc.
Ditto—Oil.
Ditto—Purging Elixir.
Tuberosa Vitæ, or Chilblain Water.
Turlington's Balsam.
Vandour's Nervous Pills.
Velno's Vegetable Syrup.
Wace's Asthmatic Drops.
Ward's White Drops.
Ditto — Essence for the Head Ach.
Ditto — Liquid Sweat.
Ditto — Red Pills.
Ditto — Sack Drops.
Ditto — Sweating Powders.
Ditto — Paste.
Worm Cakes, Storey's.
Worm Sugar Plumbs.
Wray's Ague Pills.

CAP. LXXX.

An act for granting to his Majesty certain duties on certificates to be taken out by solicitors, attornies, and others, practising in certain courts of justice in Great Britain; *and certain other duties with respect to warrants, mandates, and authorities, to be entered or filed of record, as therein mentioned.*

Most gracious Sovereign,

Preamble. WE, your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, towards raising the necessary supplies to defray your Majesty's publick expences, have resolved to give and grant unto your Majesty the duties herein-after mentioned; and do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *November*, one thousand seven hundred and eighty-five, there shall be raised,

From Nov. 1, 1785, the following duties are to be paid, viz.

ed, levied, collected, and paid, throughout the kingdom of *Great Britain*, unto and for the use of his Majesty, his heirs and successors, the rates and duties following; (that is to say),

That for and in respect of every warrant, mandate, or authority given to any solicitor, attorney, notary, proctor, agent, or procurator in *Great Britain*, to commence, carry on, or defend, any suit or prosecution in any of his Majesty's courts at *Westminster*, or in any ecclesiastical court, or in any of the courts of admiralty or cinque ports, or in any of his Majesty's courts in *Scotland*, the great sessions in *Wales*, or in any courts in the counties palatine, or in any other court holding pleas, where the debt or damage shall amount to forty shillings, or more, there shall be charged a stamp-duty of two shillings and sixpence:

For every warrant to prosecute for a debt of 40s. — 2s. 6d.

That every solicitor, attorney, notary, proctor, agent, or procurator, admitted, enrolled, or registered in any of his Majesty's courts at *Westminster*, or in any ecclesiastical court, or in any of the courts of admiralty, or cinque ports, or in any of his Majesty's courts in *Scotland*, the great sessions in *Wales*, or in any courts in the counties palatine, or in any other court in *Great Britain* holding pleas, where the debt or damage shall amount to forty shillings, or more, shall, previous to his commencing or defending any suit or prosecution, take out annually a certificate of such his admission, enrolment, or register:

Certificates to be taken out annually by every solicitor, &c. practising in any court holding pleas for 40s. and upwards:

That for and upon every such certificate so taken out by any solicitor, attorney, notary, proctor, agent, or procurator, who shall reside in any of the inns of court, or in the cities of *London* or *Westminster*, the borough of *Southwark*, the parish of *Saint Pancras*, and *Saint Mary le Bone*, or within the bills of mortality, or within the city of *Edinburgh*, there shall be charged a stamp-duty of five pounds:

Those residing in London, Westminster, the bills of mortality, or Edinburgh, to pay 5l. for a certificate:

That for and upon every such certificate so taken out by any solicitor, attorney, notary, proctor, agent, or procurator, who shall reside in any other part of *Great Britain*, there shall be charged a stamp-duty of three pounds.

In every other part of Great Britain, 3l.

II. And be it further enacted by the authority aforesaid, That, for the better and more effectual levying and collecting the said duties herein-before granted, the same shall be under the government, care, and management of the commissioners for the time being appointed to manage the duties charged on stamped vellum, parchment, and paper; who, or the major part of them, are hereby required and empowered to employ such officers under them for that purpose, and to allow such salaries and incidental charges as may be necessary, and to provide and use such stamps, to denote the said duties, as shall be requisite in that behalf, and to do all other things necessary to be done for putting this act into execution, with relation to the said rates and duties herein-before granted, in the like, and in as full and ample manner as they, or the major part of them,

Duties to be under the management of the commissioners for stamps.

are or is authorised to put in execution any former law concerning stamped vellum, parchment, and paper.

From November 1, 1785, every acting solicitor, &c. shall annually deliver in a note of his name and residence, &c. in order to obtain a certificate.

III. *And, for the easier obtaining such certificate*, be it further enacted by the authority aforesaid, That, from and after the first day of *November*, one thousand seven hundred and eighty-five, every person admitted, sworn, enrolled, or registered a solicitor, attorney, notary, proctor, agent, or procurator, in any one or more of the courts aforesaid, who shall commence, carry on, or defend, any action, suit, or prosecution therein, shall annually, during such time as he shall continue so to practise therein, deliver into some one of the courts in which he shall have been admitted, sworn, enrolled, or registered, in such manner as herein-after is directed, a paper or note, in the proper hand-writing of every such solicitor, attorney, notary, proctor, agent, or procurator, containing his name and usual place of residence, and marked and stamped with the proper mark or stamp denoting the duty herein-before imposed upon certificates, according to the place of such his residence as aforesaid, and thereupon every such solicitor, attorney, notary, proctor, agent, or procurator, shall be intitled to have a certificate (if the same shall be required) in the manner herein-after directed.

Officers for entering applications for certificates in England.

IV. And be it further enacted by the authority aforesaid, That, from and after the first day of *November*, one thousand seven hundred and eighty-five, the chief clerk of the court of king's bench, or his deputy, the clerk of the warrants in the court of common pleas, or his deputy, the clerk of the pleas in the exchequer office of pleas, or his deputy, the prothonotaries of the respective counties palatine of *Lancaster*, *Chester*, and *Durham*, and of the great sessions in *Wales*, or their respective deputies, and such officers of the inferior courts of law as the judge or judges of the inferior courts respectively shall, from time to time, appoint to enroll the names of persons admitted attornies in the said courts respectively, the senior clerk of the petty bag office in the court of chancery, or his deputy, the King's remembrancer of the court of exchequer, or his deputy, the chief clerk of the court of the duchy chamber of *Lancaster*, or his deputy, the register of the respective courts of equity in the said counties palatine, and of the great sessions in *Wales*, or their respective deputies, and such officers of the inferior courts of equity as the judge or judges of such inferior courts respectively shall, from time to time, appoint to enroll the names of persons admitted solicitors in the said courts respectively, shall, and they are hereby respectively required, from time to time, upon payment of the fee of one shilling, to enter in alphabetical order, the name and place of residence of every such attorney and solicitor enrolled an attorney or solicitor in the said courts respectively, (and who shall have delivered in such paper or note in writing, duly stamped, and required a certificate of his enrolment, as aforesaid) in rolls or books to be provided and kept for that purpose in the said several and respective offices; and also that the registers of all and every the ecclesiastical courts,

courts, courts of admiralty, or of the cinque ports, or their respective deputies, shall, and they are hereby respectively required, in like manner, from time to time, to enter, in alphabetical order, the name and place of residence of every notary, proctor, or procurator, admitted a notary, proctor, or procurator, in the said courts respectively, and who shall have delivered in a like paper or note in writing, containing his name and place of residence, and requiring a certificate of his admission as aforesaid, in rolls or books to be provided and kept for that purpose in the said respective offices; and also that all such officers of the courts of sessions, courts of justiciary, circuit courts, court of exchequer, or sheriff or stewart courts, or any other inferior courts in *Scotland*, as the judge or judges of the said courts respectively shall, from time to time, appoint to register any certificate of the oaths appointed by law to be taken and subscribed in the said courts respectively, by persons officiating therein as procurators, agents, or solicitors, shall, and they are hereby respectively required, in like manner, from time to time, to enter, in alphabetical order, the name and place of residence of every such procurator, agent, or solicitor, delivering in a like paper or note in writing, containing his name and place of residence, and requiring a certificate of such register as aforesaid, in rolls or books to be provided and kept for that purpose in the said respective offices; and all and every the officers aforesaid respectively shall, and they, and each and every of them, are hereby required, at the time of making such entry, to subscribe to every such paper or note in writing, so delivered in, a certificate signed by every such officer respectively, according to the form of the schedule hereunto annexed; to all which said rolls or books, in the said courts respectively, all persons shall and may, at seasonable times, have free access without fee or reward.

Officers for entering like applications in Scotland.

Entering officers to certify notes delivered.

V. And be it further enacted by the authority aforesaid, That the said officers, or their respective deputies, after they shall have respectively signed such certificates, so subscribed to the respective papers or notes, in writing, duly stamped as aforesaid, shall forthwith issue the said certificates to the person or persons respectively requiring the same; and every certificate so issued shall bear date on the day on which the same was issued, and shall endure and remain in force for the space of twelve calendar months, to commence from the first day of *November*, one thousand seven hundred and eighty-five, upon all certificates to be issued on or before that day, and upon certificates to be first issued to any person or persons, after the said first day of *November*, one thousand seven hundred and eighty-five, to commence from the date of every such certificate; which said certificate shall be renewed at least ten days previous to the expiration of the time for which it was granted, and so yearly and every year, so long as such solicitor, attorney, notary, proctor, agent, or procurator, shall continue to practise in any such court in manner aforesaid; and if any of the said respective officers, or their respective deputies, shall neglect or refuse to issue, within a convenient

Entering officers, etc. to issue annual certificates, which must be renewed 10 days before expiration.

Penalty on refusing to issue, or im-

properly issuing certificates.

venient time, the proper certificate required by this act, in such manner as is herein-before directed, or shall issue the same to any person otherwise than as before directed, every such officer so offending shall, for every such offence, forfeit and pay the sum of fifty pounds, to be recovered and applied as herein-after is directed, and moreover shall satisfy and pay to the party or parties aggrieved thereby, all such damages as shall or may accrue from such neglect, refusal, or default.

VI. *And, to prevent evasion in the payment of the higher duties imposed by this act by solicitors, attornies, notaries, proctors, agents, and procurators, who may have divers places of residence at the same time, within the limits of the different districts above mentioned;* be it declared and further enacted by the authority aforesaid, That if any solicitor, attorney, notary, proctor, agent, or procurator, liable to any of the rates or duties hereby imposed on certificates, shall reside in any of the inns of court, or in the cities of *London* or *Westminster*, or the borough of *Southwark*, the parish of *Saint Pancras*, or *Saint Mary le Bone*, or within the bills of mortality, or within the city of *Edinburgh*, for the space of forty days, or more, in any one year, every such solicitor, attorney, notary, proctor, agent, or procurator, shall be deemed to be resident within the limits last mentioned, within the true intent and meaning of this act, and shall be liable to the higher duties by this act imposed on certificates, for and during such time as he shall continue to be so resident for the space of forty days, or more, in each year, notwithstanding such solicitor, attorney, notary, proctor, agent, or procurator, shall or may, at other times in each such year, reside elsewhere without the limits last aforesaid.

Persons residing 40 days in a year within the limits of the higher duties, are to pay the same.

VII. And be it further enacted by the authority aforesaid, That, from and after the first day of *November*, one thousand seven hundred and eighty-five, every person who shall, in his own name, or in the name of any other person or persons, sue out any writ or process, or commence, prosecute, carry on, or defend any action or suit, or any proceedings as a solicitor, attorney, notary, proctor, agent, or procurator, in any of the courts aforesaid, for or in expectation of any gain, fee, or reward, without having obtained such certificate, in such manner as herein-before is directed, or shall deliver in to the respective officers appointed by this act, any false or fictitious place of residence, with intent to evade the payment of the higher duties, in and by this act imposed, contrary to the true intent and meaning of this act, every such person, for every such offence, shall forfeit and pay the sum of fifty pounds, to be recovered and applied as herein-after is directed; and shall be, and is hereby made incapable to maintain or prosecute, any action or suit, in any court of law or equity, for the recovery of any fee, reward, or disbursements, on account of prosecuting, carrying on, or defending any such action, suit, or proceeding.

Penalty on acting without certificate, or giving in a false place of residence.

VIII. Provided always, and be it further enacted by the authority aforesaid, That, from and after the said first day of *November*,

vember, one thousand seven hundred and eighty-five, it shall and may be lawful for any person, having duly obtained a certificate in the manner herein-before directed, to sue out any writ or process, or commence, prosecute, or defend any action or suit, or any proceeding in any of the courts aforesaid, in the name and by and with the consent of any other solicitor, attorney, notary, proctor, agent, or procurator of such court, in writing first had and obtained, and signed by him in like manner as he might have lawfully done before the making of this act, provided that such solicitor, attorney, notary, proctor, agent, or procurator, in whose name such proceedings shall be instituted, commenced, or carried on, shall also have first duly obtained a certificate out of the court wherein he is sworn, admitted, enrolled, or registered, in manner as herein-before is directed; or, in default thereof, every such solicitor, attorney, notary, proctor, agent, or procurator, shall be subject and liable to the like pains, penalties, forfeitures, and incapacities, as any other solicitor, attorney, notary, proctor, agent, or procurator, is by this act made subject and liable to.

Persons having taken out certificates may act for others who have also taken them out.

IX. Provided also, and it is hereby further enacted by the authority aforesaid, That it shall and may be lawful for any person, duly sworn, admitted, enrolled, or registered a solicitor, attorney, notary, proctor, agent, or procurator, in any two or more of the said courts respectively, under a proper certificate obtained from either of the said courts, in such manner as herein-before is directed, to commence, carry on, prosecute, solicit, or defend any action or suit, or any proceedings in any of the said other courts in which he is so sworn, admitted, enrolled, or registered, although such certificate shall or may not have issued from such other court; any thing herein contained to the contrary in anywise notwithstanding.

Person under one certificate may act in any other court in which he is sworn, etc.

X. *And whereas the act for the better regulation of attornies and solicitors doth not extend to the swearing, admission, or enrolment of the six clerks of the court of chancery, or the sworn clerks in their office, or the waiting clerks belonging to the said six clerks, or the cursitors of the said court, or of the clerks of the petty bag office, or of the clerks of the king's coroner and attorney in the court of king's bench, or of the filazers of the same court, or of the filazers of the court of common pleas at* Westminster, *or of the attornies of the court of the duchy chamber of* Lancaster, *or of the attornies of the court of exchequer at* Chester, *or of the attornies of the courts of the lord mayor and sheriffs of* London *respectively, or of the attornies or clerks of the offices of the king's remembrancer, treasurer's remembrancer, pipe, or office of pleas in the court of exchequer at* Westminster, *for the time being, or of the solicitors of the treasury, customs, excise, post-office, salt or stamp-duties, or of any other branches of his Majesty's revenue for the time being, or of the solicitors of the city of* London *for the time being, or of the assistant to the counsel for the affairs of the admiralty and navy; but that the said clerks, cursitors, filazers, attornies, and solicitors respectively, may be sworn, admitted, enrolled, and practise in their respective courts and offices,*

according to the usage and custom of those courts and offices respectively: and whereas it is expedient to extend the provisions of this act to such clerks, cursitors, filazers, attornies, and solicitors, (except as herein-after excepted); be it therefore enacted by the authority aforesaid, That, from and after the said first day of *November*, one thousand seven hundred and eighty-five, no such clerk, cursitor, filazer, attorney, or solicitor, shall be permitted, in his own name, or in the name of any other person, to sue out any writ or process, or commence, prosecute, carry on, or defend any action or suit, or any proceedings, in any of the courts aforesaid, for or in expectation of any gain, fee, or reward, as a solicitor or attorney, (except as herein-after mentioned), unless such clerk, cursitor, filazer, attorney, and solicitor shall, for the purposes of this act, cause his name to be enrolled in the court in which he is such clerk, cursitor, filazer, attorney, or solicitor, as aforesaid, or in the respective court in which he shall so commence, prosecute, carry on, or defend any such suit, action, prosecution, or other proceeding, as such solicitor or attorney, with the proper officer appointed to enroll sworn solicitors or attornies therein, (and every such officer is hereby required to enroll the same accordingly); and shall annually, during such time as he shall continue to practise as a solicitor or attorney, in manner aforesaid, obtain a certificate, marked and stamped with the proper mark or stamp, according to the place of his residence, in like manner as is herein-before directed with respect to sworn attornies and solicitors, under pain that every such clerk, cursitor, filazer, attorney, or solicitor in the said respective courts or offices, offending therein, shall be subject and liable to the like pains, penalties, forfeitures, and incapacities as aforesaid.

The six clerks, etc. are to qualify themselves for acting in the same manner as attornies, etc.

XI. *And whereas it is also expedient to extend the provisions of this act to all such other officers or clerks of the respective courts aforesaid, who may be respectively intitled to carry on, agent, manage, solicit, or defend any action, suit, prosecution, or other proceedings, in the court whereof he is such officer or clerk, under or by virtue of his office or appointment*; be it therefore further enacted by the authority aforesaid, That, from and after the said first day of *November*, one thousand seven hundred and eighty-five, no officer or clerk of any of the courts aforesaid, (except as herein-after excepted) shall be permitted, in his own name, or in the name of any other person, to sue out any writ or process, or to commence, prosecute, carry on, agent, manage, solicit, or defend any action or suit, prosecution, or other proceedings, in any of the courts aforesaid, for or in expectation of any gain, fee, or reward, as a solicitor, attorney, notary, proctor, agent, or procurator, unless such officer or clerk shall, for the purposes of this act, cause his name to be enrolled or registered in the court in which he is such officer or clerk as aforesaid, or in the respective court in which he shall so commence, prosecute, carry on, agent, manage, solicit, or defend any such action, suit, prosecution, or other proceeding, as such solicitor, attorney, notary,

Clerks of courts, etc. acting without enrollment and certificates, liable to penalties.

notary, proctor, agent, or procurator, with the proper officer appointed to enroll or regiſter ſolicitors, attornies, proctors, agents, or procurators therein, (and every ſuch officer is hereby required to enroll or regiſter the ſame accordingly); and ſhall annually, during ſuch time as he ſhall continue to act in manner aforeſaid, obtain a certificate, marked or ſtamped with the proper mark or ſtamp according to the place of his reſidence, in like manner as is herein-before directed with reſpect to ſworn attornies and ſolicitors, under pain that every ſuch officer or clerk of any of the courts aforeſaid offending therein, ſhall be ſubject and liable to the like pains, penalties, forfeitures, and incapacities, as aforeſaid.

Officers or clerks in court chargable with land tax are exempted from duties, if acting officially only.

XII. Provided always, and be it further enacted by the authority aforeſaid, That nothing in this act contained ſhall extend, or be conſtrued to extend, to ſubject to the payment of the ſeveral duties of five pounds or three pounds, hereby impoſed, any officer or clerk of any of the courts aforeſaid, who is now, or at any time ſhall be charged with the payment of land tax, in reſpect of his office or appointment in ſuch court, for or by reaſon of his being employed in the conduct, care, or management of any action, ſuit, proſecution, or other proceeding therein, relating to or concerning the buſineſs of his office or appointment only, and wherein ſuch officer or clerk ſhall not be alſo retained or employed by the party or parties to ſuch action, ſuit, proſecution, or other proceeding, or by any ſolicitor, attorney, notary, proctor, agent, or procurator, for or in expectation of any fee or reward, over and above the fee or reward therefore due and payable to ſuch officer or clerk, in reſpect of his office or appointment in ſuch court.

A ſtamped memorandum to be given to the proper officer of the names of the parties, etc. in every action.

XIII. *And, in order to make ſuitable proviſions for the due payment of the duties by this act impoſed, in reſpect of warrants, mandates, and authorities, to ſue or defend as aforeſaid*; be it further enacted by the authority aforeſaid, That, from and after the ſaid firſt day of *November*, one thouſand ſeven hundred and eighty-five, no ſolicitor, attorney, notary, proctor, agent, or procurator, ſhall be permitted to ſue out any writ or proceſs, or to commence, proſecute, or carry on any ſuit, action, or any proſecution, or other proceedings whatſoever, in any of the courts aforeſaid, or to defend or appear for any defendant in any ſuit or action, proſecution, or other proceedings, in any of the courts aforeſaid, for or in expectation of any gain, fee, or reward, by virtue or in reſpect of any warrant, mandate, or authority (whether the ſame be verbal or in writing) which ſhall be given to him for that purpoſe, unleſs ſuch ſolicitor, attorney, notary, proctor, agent, or procurator, in every ſuch action, ſuit, proſecution, or other proceeding, ſhall have delivered, or cauſed to be be delivered, to the proper officer, or his deputy, hereby appointed for the receipt and entry thereof, a memorandum or minute, duly ſtamped in purſuance of this act, of ſuch his warrant, mandate, or authority, containing the names of the reſpective parties proſecuting and defending the ſuit, ac-

tion, proſecution, or other proceedings, and of the court in which the ſame ſhall be commenced, and alſo the name of the ſolicitor, attorney, notary, proctor, agent, or procurator, immediately retained to proſecute, carry on, or defend the ſame, to be entered or filed of record, as herein-after directed; which memorandum or minute ſhall and may be made out according to the form of the ſchedule hereunto annexed, (*mutatis mutandis.*)

Stamped memorandums to be delivered in ſuch caſes as uſed to require precipes.

XIV. And be it further enacted by the authority aforeſaid, That in all caſes where any precipe (except a precipe for any original writ iſſuing out of the ſaid court of chancery) is or ſhall be required by the rules or practice of any of the courts aforeſaid, to be delivered, filed, or entered of record, with the proper clerk or officer previous to the ſigning or iſſuing any ſuch original or other writ, precept, citation, or monition, or other firſt proceſs, for any plaintiff or plaintiffs, upon the commencement of any ſuch ſuit or action, or any proſecution, or other proceedings whatſoever, in any ſuch court, it ſhall and may be lawful for every ſuch ſolicitor, attorney, notary, proctor, agent, or procurator, to deliver in to every ſuch clerk, or officer the memorandum or minute hereby required to be ſtamped, and to inſert therein the nature and denomination of the proceſs required to be ſigned or iſſued, and the return thereof, in ſuch manner as heretofore hath been uſed in ſuch courts with reſpect to ſuch precipes as aforeſaid; and that every ſuch memorandum or minute, ſo ſtamped and delivered in as herein is above directed, ſhall be, and be deemed and adjudged to be, as valid and effectual an authority in law, for the ſigning or iſſuing any ſuch writ, precept, citation, or monition, or other firſt proceſs aforeſaid, by any ſuch clerk or officer, as if the precipe heretofore uſed in ſuch courts had been delivered in to the proper clerk or officer as aforeſaid; any law, uſage, or cuſtom, or any thing in this act contained, to the contrary thereof notwithſtanding.

Officers who receive ſtamped memorandums are to file the ſame.

XV. And be it further enacted by the authority aforeſaid, That, from and after the ſaid firſt day of *November*, one thouſand ſeven hundred and eighty-five, the reſpective clerks and officers, or their reſpective deputies, to whom it ſhall appertain, or who ſhall be entruſted or appointed to ſign or iſſue any original or other writ, precept, citation, monition, or other firſt proceſs, for any plaintiff or plaintiffs, upon the commencement of any ſuit or action, or any proſecution or other proceedings whatſoever, in any of the courts aforeſaid, or to enter, file, or record, any bail, appearance, admiſſion, or other act, matter or thing, to be firſt done in the defending or appearing for the defendant or defendants in any ſuch action, ſuit, proſecution, or other proceedings, in any of the courts aforeſaid, ſhall, and they are hereby reſpectively required, from time to time, to receive, and forthwith enter, or file of record, every ſuch memorandum or minute, which ſhall be delivered to them reſpectively, by or in the name of any ſolicitor, attorney, notary,

tary, proctor, agent, or procurator, in the said respective court of such clerk or officer, and marked or stamped with the mark or stamp denoting the rate or duty payable thereon pursuant to the directions in this act, and shall sign thereon the day of the month and year on which such memorandum or minute shall have been delivered, to be entered or filed of record as aforesaid, to which entries or files, in the said courts respectively, all persons shall and may have free access, at seasonable times, without fee or reward; and every such clerk or officer, or his respective deputy, neglecting the due performance of his office in the premises, shall, for every such offence, forfeit and pay the sum of fifty pounds, to be recovered and applied as hereinafter mentioned. Penalty of 50l.

XVI. And be it further enacted by the authority aforesaid, That, from and after the said first day of *November*, one thousand seven hundred and eighty-five, every person who shall sue out any writ or process, or commence, carry on, manage, agent, solicit, or defend, any action, suit, prosecution, or other proceedings, except as herein-after mentioned, in any of the courts aforesaid, without having delivered to the proper officer, to be entered or filed of record, the memorandum or minute of his warrant, mandate, or authority, marked or stamped in such manner as by this act is directed, shall, for every such offence, forfeit and pay the sum of five pounds, to be recovered and applied as herein-after is directed. Persons not acting conformable to this act forfeit 5l.

XVII. And be it further enacted by the authority aforesaid, That no action, suit, prosecution, or other proceedings, in any of the courts aforesaid, shall be staid, nor any judgement, sentence, or decree thereon reversed, for or by reason of any omission or defect in the entering or filing of record the memorandum or minute herein-before directed, but the respective courts shall proceed, as far as concerns or relates to the party or parties to the said action, suit, prosecution, or other proceeding depending therein, as if such memorandum or minute was in due manner entered or filed of record. Actions are to proceed though the memorandums should not have been entered or filed.

XVIII. And be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to rescind, change, or alter, any of the rules, or the practice of any of the courts aforesaid, heretofore used, relative to the entering or filing of record, by any solicitor, attorney, notary, proctor, agent, or procurator, any warrants of attorney, appearances, or proxies, or any admissions, to sue or defend either for the plaintiffs or defendants, in any cause or action depending therein, but that the rules and practice of the respective courts aforesaid relating thereto shall continue to be put in force, and used as heretofore, unless the judge or judges of those courts respectively shall think it fit or necessary to rescind, alter, or amend the same; and the said judge or judges of the several courts aforesaid, shall and may, and are hereby authorised and required, from time to time, to make such rules and orders in their respective courts, and do such other matters and things, Practice of the courts of law, etc. with regard to entering of record, not altered, unless the judges think fit.

things, for the better securing the said several rates and duties in and by this act imposed, as shall be lawful and reasonable in that behalf.

A stamped memorandum of warrant of attorney to be delivered previous to entering up judgement.

XIX. Provided always, and be it further enacted by the authority aforesaid, That, from and after the said first day of *November*, one thousand seven hundred and eighty-five, in all cases where any defendant or defendants shall, before appearance, confess any action or suit in any of the courts aforesaid, or shall execute any warrant of attorney to acknowledge judgement by *Nil dicit non sum informatus*, or otherwise, the attorney who shall enter up any judgement thereupon, shall previously deliver, or cause to be delivered, to the proper officer, a memorandum or minute of such *Cognovit Actionem*, or warrant of attorney, stamped as herein-before is directed, in the like manner, and according to the form above prescribed, under pain that he shall forfeit and pay the sum of five pounds, to be recovered and applied as herein-after directed.

on penalty of 5*l*.

None of the duties to be charged to clients.

XX. *And whereas it is the intent and meaning of this act that the several rates and duties, in and by this act imposed, shall be borne and paid by the respective solicitors, attornies, notaries, proctors, agents, or procurators, immediately retained or employed by the respective party or parties, and shall in no wise be charged or imposed, in the whole or in part, upon their respective clients*: for the prevention of such charges, be it therefore enacted, That it shall not be lawful for any solicitor, attorney, notary, proctor, agent, or procurator, liable to the respective duties hereby imposed, who shall be retained by any person or persons to prosecute, carry on, manage, solicit, agent, or defend, any action or suit, or any prosecution or other proceedings in any of the courts aforesaid, directly or indirectly, to claim, demand, or receive, from the party or parties aforesaid, or, under any pretence whatsoever, to insert in any bill of fees or charges, or disbursements charged upon the party or parties aforesaid, any sum of money whatsoever for or in respect of the payment of the rates or duties aforesaid; but that it shall and may be lawful, upon application of the party or parties charged therewith, or of any other person in that behalf authorised, unto any of the said courts respectively, in which such action or suit, prosecution, or other proceedings, shall have been transacted, to refer the said bill or demand to be taxed or settled by the proper officer of such court, in such manner as is by law ordained or practised in such court respectively, for the taxation and settlement of such bills and demands; and if, upon the said taxation and settlement it shall be found that such solicitor, attorney, notary, proctor, agent, or procurator, shall have charged, or received from the party or parties aforesaid, any sum of money whatsoever contrary to the true intent and meaning of this act, then and in such case the said charge or demand shall be disallowed and struck out of such bill; or if the same shall have been paid, the said solicitor, attorney, notary, proctor, agent, or procurator respectively, shall refund and pay unto the party and parties intitled thereto, or

to

to any other person or persons duly authorised, in such manner as the respective courts aforesaid shall direct, all such money as the said officer shall certify to have been so overcharged or paid; and in every such case shall also be liable to the costs of the said taxation, to be ascertained at the discretion of the respective courts aforesaid.

Persons not immediately employed by the parties may charge the duties to the attornies for whom they act.

XXI. Provided always, That in any suit or action, prosecution, or other proceedings, in any of the courts aforesaid, if the person by whom any memorandum or minute shall have been delivered to be entered or filed of record as aforesaid, and by whom the duty payable thereon shall have been paid, shall not be immediately retained or employed by the party or parties prosecuting or defending the said suit or action, prosecution, or other proceedings, but shall act therein for and on the behalf of the solicitor, attorney, notary, proctor, agent, or procurator, so immediately retained and employed, it shall and may be lawful for every such person to charge and place to the account of the solicitor, attorney, notary, proctor, agent, or procurator, so immediately retained and employed as aforesaid, the duty hereby imposed on such memorandum or minute so paid.

Common appearance or bail may be filed without entering a memorandum.

XXII. Provided also, That it shall and may be lawful for any solicitor, attorney, notary, proctor, agent, or procurator, retained or employed to prosecute or carry on any suit or action, prosecution, or other proceedings, for the plaintiff or plaintiffs, in any of the courts aforesaid, to enter or file, or cause to be entered or filed, any common appearance, or common bail, for the defendant or defendants, according to the statute in that case made and provided, without entering or filing of record any memorandum or minute in that respect for the defendant or defendants, and freed and discharged from the rates and duties hereby imposed thereon, in such manner as might have been done before the passing of this act; any thing herein-before contained to the contrary thereof notwithstanding.

After appearance of bail, a memorandum must be entered before any further proceedings.

XXIII. Provided also, and be it enacted, That no solicitor, attorney, notary, proctor, agent, or procurator, for any such defendant or defendants, shall, in any such case where an appearance or bail hath been entered or filed according to the statute, plead or carry on any further proceedings for any such defendant or defendants, in any such suit, action, or prosecution, until the memorandum or minute, stamped as aforesaid, of a warrant, mandate, or authority to defend, shall have been delivered to the proper officer, to be entered or filed of record according to the directions of the act; and if any such solicitor, attorney, notary, proctor, agent, or procurator for any such defendant or defendants, after such appearance or bail hath been entered or filed, according to the statute as aforesaid, shall plead or carry on any further proceedings for any such defendant or defendants, in any such suit, action, or prosecution, without having entered or filed of record the memorandum or minute of his warrant, mandate, or authority to defend, marked or stamped in such manner as by this act is directed, every such

solicitor, attorney, notary, proctor, agent, or procurator, shall forfeit and pay the sum of five pounds, to be recovered and applied as herein-after is directed.

or penalty of 5l.

If a defendant is added after commencement of an action, a new memorandum is not necessary.

XXIV. Provided also, and be it enacted, That in every action, suit, prosecution, or other proceeding, had or commenced in any of the courts aforesaid, according to the directions of this act, where any person or persons shall, under or by virtue of any rule or order of such court respectively, be added as a defendant or defendants therein, it shall and may be lawful for any solicitor, attorney, notary, proctor, agent, or procurator for the plaintiff or plaintiffs, to sue out the usual process against such person or persons so added, without delivering any further or other memorandum or minute, in pursuance of this act, by specifying in the precipe to the officer, that the defendant or defendants named therein hath or have been added thereto by rule or order.

Memorandums to be delivered on putting in bail to the judge's clerk, who is to receive 2d. in the pound on the duties.

XXV. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful for every attorney of the said court of king's bench, who shall put in any special bail before any judge or judges of the said court, at the time of putting in thereof, to deliver into and deposit in the hands of the judge's clerk, before whom such bail shall be so put in, the memorandum or minute of his warrant, mandate, or authority to defend, marked and stamped according to the directions of this act, which memorandum or minute every such clerk is hereby required to receive *gratis*; and the judge's clerks, to whom any such memorandum or minute shall be delivered as aforesaid, shall, within six days after the end of each term, transmit and deliver the same to the officer appointed to file special bails in the said court, to be filed of record; and the said officer appointed to file such bails shall, out of the monies paid to such officer by the receiver general of the stamp-duties, according to the directions of this act, pay and allow to every such clerk for the same, the sum of two-pence for every pound sterling which the duties upon any such memorandums or minutes, delivered to be entered or filed of record as aforesaid, shall amount unto; and in case any such judge's clerk shall neglect to transmit and deliver to the officer, appointed to file special bails in the said court of king's bench, all the memorandums or minutes so deposited in his hands as aforesaid, or shall wilfully deface or obliterate the same, or the stamp or mark directed or allowed to be used by this act, for the purpose of denoting the duties payable thereon, every such judge's clerk shall, for every such offence, forfeit and pay the sum of fifty pounds, to be recovered and applied as herein-after is directed.

Judge's clerks neglecting to deliver memorandums, or defacing the stamps thereon, forfeit 50l.

Not to extend to any suit for less than 40s.

XXVI. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to charge with the payment of the duties hereby imposed, for or in respect of any mandate, warrant, or authority, to sue or defend, or any memorandum or minute thereof, to be entered or filed of record in any action, suit,

suit, prosecution, or other proceeding to be had, commenced, prosecuted, or defended, in any inferior court, wherein the debt or damages, claimed or demanded, shall not amount to the sum of forty shillings of lawful money of *Great Britain*; but that, in every such case, it shall and may be lawful for the attorney, writer, agent, or procurator, retained or employed to carry on or defend such action, suit, prosecution, or other proceeding, to deliver in a memorandum or minute of his warrant, mandate, or authority, in the manner herein-after directed, not marked or stamped with any mark or stamp denoting the duty imposed by this act, and to insert therein the amount of the debt or damages, under forty shillings, claimed or demanded as aforesaid; and that it shall not be lawful for any plaintiff, demandant, or pursuer, in any such action, suit, prosecution, or other proceeding, so commenced as aforesaid, to sue for or recover other, more or greater debt or damages than shall be contained and expressed in such memorandum or minute not stamped as aforesaid.

Act not to extend to suits carried on in his Majesty's name, etc. except where private persons are interested.

XXVII. Provided always, and be it enacted, That nothing in this act contained shall extend, or be construed to extend, to subject to the payment of the duties hereby imposed, any person or persons whatsoever, for or in respect of any proceedings commenced, carried on, prosecuted, or defended, in any of the courts aforesaid, upon any indictment whatsoever, or upon any information, suit, writ, or process, in the name of his Majesty, his heirs or successors, or at the instance of his Majesty's attorney general, his Majesty's advocate of *Scotland*, or any other officer or officers legally authorised to prosecute in his Majesty's name, or to sue for his Majesty's interest, save and except informations in the nature of *Quo Warranto*, filed by his Majesty's coroner and attorney in the court of king's bench, informations in any courts of equity, at the relation of private persons, informations wherein any person or persons, other than his Majesty, his heirs or successors, shall be intitled to any penalty or forfeiture, or any part thereof; in all which last mentioned cases the said duties shall be, and are hereby required to be paid, as in cases between party and party, according to the directions of this act.

Sixpence in the pound on the duties for recording memorandums to be paid to the clerks.

XXVIII. And, for the encouragement of the respective clerks and officers, by this act intrusted to enter and file of record the memorandums or minutes hereby required to be stamped as aforesaid, to be attentive and vigilant in the execution of this act, and as a compensation for their trouble; be it further enacted by the authority aforesaid, That the receiver general for the time being of the duties on stamped vellum, parchment, and paper, or some person employed by order from the commissioners of the said duties, shall from time to time take an account of the number of the memorandums or minutes entered or filed of record in the several and respective courts and offices aforesaid, and of the amount of the respective duties paid and payable thereon, and shall from time to time pay and allow to the respective

respective clerks and officers aforesaid, the sum of sixpence for every pound sterling which the duties upon any such memorandums or minutes, entered or filed of record, and produced as aforesaid, shall amount unto.

How penalties are to be recovered.

XXIX. And be it further enacted by the authority aforesaid, That all pecuniary penalties, imposed on any person or persons for offences committed against this act, shall and may be sued for and recovered in any of his Majesty's courts of record at *Westminster*, for offences committed in that part of *Great Britain*, called *England*, the dominion of *Wales*, or the town of *Berwick upon Tweed*, and in his Majesty's court of sessions, court of justiciary, or court of exchequer in *Scotland*, for offences committed in that part of *Great Britain* called *Scotland*, by action of debt, bill, plaint, or information, wherein no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed, and wherein the plaintiff, if he or she shall recover any penalty or penalties, shall recover the same for his or her own use, with full costs of suit.

Persons counterfeiting any stamp, or selling vellum, etc. with counterfeit marks, guilty of felony.

XXX. And be it further enacted by the authority aforesaid, That if any person shall counterfeit or forge any seal, stamp, or mark, directed or allowed to be used by this act, for the purpose of denoting the duties by this act granted, or shall counterfeit or resemble the impression of the same, with intent to defraud his Majesty, his heirs and successors, of any of the said duties; or shall utter, vend, or sell, any vellum, parchment, or paper, with such counterfeit mark or stamp thereupon, knowing such mark or stamp to be counterfeit; or if any person shall privately or fraudulently use any seal, stamp, or mark, directed or allowed to be used by this act, with intent to defraud his Majesty, his heirs and successors, of any of the said duties; every person so offending, and being thereof convicted, shall be adjudged a felon, and shall suffer death, as in cases of felony, without benefit of clergy.

Provisions of former acts relating to stamp-duties extended to this act.

XXXI. And be it further enacted by the authority aforesaid, That all powers, provisions, articles, clauses, and all other matters and things, prescribed or appointed by any former act or acts of parliament relating to the stamp-duties on vellum, parchment, and paper, shall be in full force and effect with relation to the rates and duties hereby imposed, and shall be applied and put in execution for the raising, levying, collecting, and securing the said new rates and duties hereby imposed, according to the true intent and meaning of this act, as fully, to all intents and purposes, as if the same had severally and respectively been hereby enacted with relation to the said new rates and duties hereby imposed.

Duties to be paid into the exchequer.

XXXII. And be it further enacted by the authority aforesaid, That the several duties herein-before granted shall be paid, from time to time, into the hands of the receiver general for the time being of the duties on stamped vellum, parchment, and paper, who shall keep a separate and distinct account of the several rates and duties, and pay the same (the necessary charges of

of raising, paying, and accounting for the same, being deducted) into the receipt of the exchequer, at such time, and in such manner, as the duties charged on stamped vellum, parchment, and paper, are directed to be paid; and that in the office of the auditor of the same receipt shall be provided and kept a book or books, in which all the monies arising from the said several rates and duties, and paid into the said receipt as aforesaid, shall be entered, separate and apart from all other monies paid or payable to his Majesty, his heirs or successors, upon any account whatsoever; and the said money, so paid into the said receipt of exchequer as aforesaid, shall, together with such other rates, duties, and revenues, as shall be granted by any act or acts of this session of parliament for this purpose, be a fund for the payment of the several annuities, and all other charges and expences as are directed to be paid and payable pursuant to an act of this present session of parliament, (intituled, *An act for granting annuities to satisfy certain navy, victualling, and transport bills, and ordnance debentures.*)

and kept separately.

Application of the duties.

XXXIII. And it is hereby enacted by the authority aforesaid, That if at any time or times it shall happen that the produce of the several duties granted by this act, together with the several other duties, revenues, and taxes, granted in the last session of parliament for the payment of the several and respective annuities granted by an act of the last session of parliament, (intituled, *An act for raising a certain sum of money by way of annuities, and for establishing a lottery*); and also by another act, made in the same session, *for granting annuities to satisfy certain navy, victualling, and transport bills, and ordnance debentures*; together with the several other duties, revenues, and taxes, granted in this session of parliament, for the payment of the annuities granted by another act, made in this session of parliament, (intituled, *An act for granting annuities to satisfy certain navy, victualling, and transport bills, and ordnance debentures*), together with the other charges and expences attending the said respective annuities, to be satisfied and paid out of the same, at the end of any or either of the half-yearly days of payment at which the same are directed by the said acts to be paid; then, and so often, and in every such case, such deficiency or deficiencies shall and may be supplied out of any of the monies which at any time or times shall be or remain in the receipt of the exchequer, of the surpluses, excesses, overplus monies, and other revenues composing the fund, commonly called, *The sinking fund*, (except such monies of the said sinking fund as are appropriated to any particular use or uses by any former act or acts of parliament in that behalf); and such monies of the said sinking fund shall and may be, from time to time, issued and applied accordingly; and if at any time or times, before any monies of the said fund, established as aforesaid, shall be brought into the exchequer as aforesaid, there shall happen to be a want of money for paying the several annuities as aforesaid, which shall be actually incurred and grown due at any of the respective half-yearly days for

Deficiencies in the duties imposed for paying the annuities granted by 24 Geo. 3. c. 10; 24 Geo. 3. c. 39; and 25 Geo. 3. c. 32. to be made good out of the sinking fund;

for payment of the same, that then, and in every such case, the money so wanted shall and may be supplied out of the monies of the said sinking fund, (except as before excepted), and be issued accordingly.

And to be replaced out of the first supplies.

XXXIV. Provided always, and be it enacted by the authority aforesaid, That whatever monies shall be issued out of the said sinking fund shall, from time to time, be replaced by and out of the first supplies to be then after granted in parliament.

Surplus of duties to be reserved for future disposition of parliament.

XXXV. Provided always, and be it enacted by the authority aforesaid, That in case there shall be any surplus or remainder of the monies arising by the said funds, after the said several and respective annuities, granted by the afore-mentioned act, *for raising a certain sum of money by way of annuities, and for establishing a lottery*, and also the annuities granted in respect of the money due for bills payable in the course of the navy and victualling offices, and for transports, and also for ordnance debentures, converted into annuities in pursuance of the said acts, made in the last and this present session of parliament, and all arrears thereof, are satisfied, or money sufficient shall be reserved for that purpose, such surplus or remainder shall, from time to time, be reserved in the exchequer for the future disposition of parliament.

Defendants may plead the general issue.

XXXVI. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times, be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any clause, matter, or thing, herein contained, such person or persons shall or may plead the general issue, and give the special matter in evidence, for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

and recover treble costs.

THE SCHEDULE,

Stating the Forms to which this act refers.

No. 1.

Form of the certificates to be granted to solicitors, attornies, notaries, proctors, agents, and procurators, practising in the several courts of law and equity, and ecclesiastical and other courts in Great Britain, *by the respective officers appointed for that purpose*, (mutatis mutandis.)

IN the court of [insert the name of the court in which the certificate is obtained] *in England*, (or *Scotland*, or *Wales*, etcetera, as the case may be.)

I. A.

I A. B. *chief clerk* [or *deputy to the chief clerk*, as the case may be] *of the court of king's bench*, [or *clerk of the warrants in the court of common pleas*, or as the case may otherwise be], *do hereby certify that the above written* C. D. *who hath this day entered at my office his name and place of residence as an attorney*, [or *solicitor*, *notary*, *proctor*, *agent*, or *procurator*, as the case may be], *practising in town*, [or *in the country*, as the case may require], *in pursuance of an act of parliament, passed in the twenty-fifth year of the reign of his Majesty King* George, *the Third, for granting certain duties on certificates to be taken out by solicitors, attornies, notaries, proctors, agents, or procurators, is duly enrolled* (or *admitted*, or *registered*, as the case may require) *an attorney* [or *solicitor*, *notary*, *proctor*, *agent*, or *procurator*, as the case may be] *in this court. In witness whereof, I have this day of in the year of the reign of set my hand hereunto, (the same being first duly stamped according to the place of residence of the said* C. D. *herein above written.)*

A. B.

No. 2.

Form of the memorandum or minute to sue or defend, to be entered in the respective courts, or filed of record.

IN the court of [insert the name of the court in which the proceedings are to be carried on] *in England*, (or *Scotland*, or *Wales*, etcetera, as the case may be.)

Middlesex. } A. B. *is retained to prosecute by* C. D. *as his at-*
To wit. } *torney* [or *solicitor*, *notary*, *proctor*, *agent*, or *procu-*
No. *rator*, as the case may be] *against* E. F. [or other-
(on the File.) wise, as the cafe may be.]

A. B. *plaintiff's attorney*, [if by an agent to the solicitor, etcetera, immediately retained, add] *by* G. H. *his agent.*

Entered or *filed of record* (as the case may require), *this day of in the year of the reign of*

[officer's name.]

No. 3.

The like form for the defendant's attorney, mutatis mutandis.

IN the court of [insert the name of the court, as before].

Middlesex. } I. K. *is retained to defend by* E. F. *as his attorney,*
To wit. } *at the suit of* A. B.

I. K. *defendant's attorney*, [if by an agent, add] *by* L. M. *his agent.*

Entered or *filed of record, this day of in the year of the reign of*

[officer's name.]

No. 4.

Form of the memorandum or minute of a cognovit actionem, *or warrant of attorney to enter up or acknowledge judgement, in the respective courts referred to by this act.*

IN the court of [insert the name of the court, as before].

Middlesex, To wit. } A. B. *is retained to enter up judgement on a* cognovit actionem, (or *warrant of attorney to acknowledge judgement*, as the case may require), *dated on the day of* *at the suit of* C. D. *against* E. F.

A. B. *attorney*; (if by an agent, add) *by* G. H. *his agent.*

Entered (or *filed of record*, as the case may require), *this day of* *in the* *year of the reign of*

[officer's name.]

CAP. LXXXI.

An act for the better securing the duties payable on tobacco.

Preamble.

WHEREAS *the many regulations already provided by law to prevent the fraudulent and clandestine importation of tobacco into the kingdom of* Great Britain, *and to prevent the relanding of the same within the said kingdom, after it has been shipped for exportation, or exported from the said kingdom, have been found ineffectual:* may it therefore please your Majesty that it may be enacted; and be enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *January*, one thousand seven hundred and eighty-six, no tobacco whatsoever shall be imported or brought into *Great Britain* (except tobacco of the growth, production, or manufacture of the plantations or dominions of *Spain* or *Portugal*, imported respectively in the manner, and under the restrictions and regulations, and paying the same duties, which such tobacco was subject and liable to by all and every act and acts of parliament in force at the time of making this present act; and except tobacco of the growth of *Ireland*, imported as by law allowed before the making of this act), other than from some port or place within his Majesty's colonies, plantations, islands, or territories in *America*, or from some port or place within the United States of *America*, upon pain of forfeiture thereof, together with the package containing the same, and also the ship or vessel on board or in which the same shall be imported or brought, together with her guns, furniture, ammunition, tackle, and apparel.

From Jan. 1, 1786, no tobacco but from America, (except of the growth of Spain or Portugal or of Ireland), to be imported into Great Britain.

II. And

Restrictions on importation of tobacco from America.

II. And be it further enacted, That no tobacco whatsoever shall be imported or brought into *Great Britain* from any port or place whatsoever within his Majesty's said colonies, plantations, islands, or territories in *America*, or, from and after the first day of *January*, one thousand seven hundred and eighty-six, from any port or place whatsoever within the said United States of *America*, in any ship or vessel of less burthen than seventy tons, and which ship or vessel is either *British* built, or belonging to the United States of *America*, and navigated in manner following; that is to say, If a *British* built ship, with the master and three fourths of the mariners *British*, and if belonging to the said United States of *America*, with the master and three fourths of the mariners belonging to the said United States; and no tobacco, other than of the growth or production of his Majesty's said colonies, plantations, islands, or territories in *America*, or of the growth or production of the said United States of *America*, shall be so as aforesaid imported or brought into *Great Britain*, and shall not be so imported other than directly from some port or place in his Majesty's said colonies, plantations, islands, or territories in *America*, or in the said United States of *America*, respectively, and into some one or other of the ports or places herein-after mentioned in *Great Britain*; that is to say, *London*, *Bristol*, *Liverpool*, *Lancaster*, *Cowes*, *Whitehaven*, *Hull*, *Port Glasgow*, and *Greenock*, and no other, upon pain of forfeiture thereof, together with the casks and package containing the same: provided nevertheless, That if any tobacco of the growth or produce of the said United States of *America* shall, in the fair and lawful way of barter or traffick between the people of those states and the people of his Majesty's islands in the *West Indies*, or of his Majesty's colonies or plantations in *America*, be imported or brought from the said United States into any of the said islands or plantations, in a *British*-built ship so navigated as aforesaid, it shall and may be lawful to export from the said islands in the *West Indies* the same tobacco, and to import it directly from thence into some one or other of the said respective ports herein-before enumerated in *Great Britain*, in a *British*-built ship or vessel of a burthen not less than seventy tons, and so navigated as before directed, upon the same duties, and on the same terms in every respect, as tobacco is allowed to be imported into *Great Britain* directly from some port or place in his Majesty's colonies, plantations, islands, or territories in *America*, or directly from some port or place in the said United States of *America*; provided such tobacco shall be accompanied with the like documents, and shall in every respect come under the several restrictions and regulations herein-after directed and required by this act for tobacco so to be imported into *Great Britain* as aforesaid directly, either from his Majesty's said colonies, plantations, islands, or territories in *America*, or from the said United States of *America*; and provided, in the manifest or manifests,

American tobacco imported in traffick into the West India islands, may be from thence imported into Great Britain.

or content or contents in writings, accompanying into *Great Britain* such tobacco so imported from the said United States as aforesaid into the said islands in the *West Indies*, or the said colonies or plantations in *North America*, and afterwards imported into *Great Britain* as aforesaid from thence, the name or names of the several and respective vessels which shall have so imported such tobacco from the said United States into those islands, colonies, or plantations respectively, and the name or names of the several and respective masters of those several and respective ships, shall be particularly set forth and specified.

No tobacco to be imported but in casks, &c. containing 450 pounds weight.

III. And be it further enacted, That no tobacco shall be so as aforesaid imported or brought into *Great Britain*, otherwise than in hogsheads, casks, chests, or cases, each hogshead, cask, chest, or case whereof shall contain four hundred and fifty pounds weight net of tobacco, at the least, not packed in bags, or in any other packages, within such hogshead, cask, chest, or case, nor separated or divided, within such hogshead, cask, chest, or case, respectively, by any package, or otherwise howsoever, upon forfeiture of all such tobacco as shall be so imported contrary to this act, together with the hogsheads, casks, chests, cases, or other package containing the same; and the master, or other person having or taking the charge or command of such ship or vessel, shall forfeit treble the value of the said tobacco so forfeited as aforesaid.

Tobacco may be brought loose for the use of the seamen, &c. at the rate of five pounds each.

IV. Provided always, and it is hereby further enacted and declared, That nothing in this act shall extend, or be construed to extend to forfeit any tobacco imported or brought loose in any ship or vessel, for the use of the seamen then belonging to or on board the said ship or vessel, or for the use of the passengers on board such ship or vessel, not exceeding five pounds weight for each person.

Small quantities of tobacco, being on board a vessel without the knowledge of the master, shall not make her liable to forfeiture.

V. Provided also, and be it further enacted, That nothing in this act shall extend, or be construed to extend, to prevent evidence from being received, in any suit or information brought for the forfeiture of any vessel, for or on account of any tobacco imported or brought into *Great Britain* in such ship or vessel, in order to shew, from the smallness of the quantity of the said tobacco, and other circumstances of the case, that the said tobacco was on board such ship or vessel without the knowledge and privity of the owner, or of the master, or other person having the charge or command thereof, and without any wilful neglect or want of reasonable care in the discharge of the duty of such owner, master, or other person having the charge or command of such ship or vessel; and in every such case, where proof shall be made, from the smallness of the quantity of tobacco, and other circumstances, that such small quantity was on board without the knowledge, privity, or consent, either of the owner, or the master, or other person having the charge or command thereof, and without any wilful neglect or want of reasonable care, either in the owner, or in the master, or other person

son having the charge or command of such ship or vessel, then, and in every such case, such ship or vessel shall not be forfeited for or on account of such small quantity of tobacco.

Officers of the customs in America to deliver to the master on clearing a manifest, and transmit a duplicate to the commissioners of the customs in Great Britain.

VI. And be it further enacted, That when any ship or vessel whatsoever shall have taken on board tobacco, at any port or place whatsoever within his Majesty's colonies, plantations, islands, or territories in *America*, in order to convey the same from thence into *Great Britain*, the collector and comptroller, and two other chief officers employed in the management of the customs, at such port or other place where such ship or vessel shall have taken on board tobacco, shall, at and upon the clearing of every such ship or vessel by the proper officers of the customs appointed for that purpose, deliver to the master, or other person having or taking the charge or command of such ship or vessel, a manifest or content in writing, under their hands and seals of office, which said manifest or content shall contain the name of the port or place where such tobacco, in such manifest or content mentioned, shall have been so taken on board, the name of the ship or vessel so taking the same on board, and the tonnage thereof, and a true account of all the tobacco so laden on board such ship or vessel, with the number of hogsheads, casks, chests, and cases containing the same, and the particular weight of the tobacco contained in each particular hogshead, cask, chest, and case, together with the marks and numbers set on each and every hogshead, cask, chest, or case thereof, with the care of each particular hogshead, cask, chest, or case in which such tobacco shall be contained; which said particular weight of the tobacco and tare, respectively, shall also be marked on each and every such hogshead, cask, chest, or case respectively; and such officers as aforesaid shall also, at and upon the clearing of every such ship or vessel as aforesaid, immediately transmit a duplicate or duplicates of such manifest or content to the respective commissioners of the customs in *Great Britain*; and if any collector, comptroller, or other chief officer or officers of the customs, at any such port or place, shall, at and upon the clearing of any such ship or vessel having tobacco on board as aforesaid, neglect or refuse to deliver to the master, or other person having or taking the charge or command of any such ship or vessel, such manifest or content as is herein-before directed, or shall not as herein-before directed, transmit a duplicate or duplicates of such manifest or content to the said respective commissioners of the customs in *Great Britain* respectively as aforesaid, he or they shall respectively forfeit and lose, for every such offence, the sum of two hundred pounds; or if such collector, comptroller, or other chief officer or officers, shall knowingly deliver a false or fictitious manifest or content, or transmit a false or fictitious duplicate or duplicates of any manifest or content, contrary to the true intent and meaning of this act, he or they shall respectively forfeit and lose, for every such offence so committed, the sum of five hundred pounds; and every such collector, comptroller, or other chief officer or

Penalties on neglect of transmitting a duplicate of manifest, and on delivery or transmission of a false one.

officers, upon being duly convicted of knowingly delivering a falſe or fictitious manifeſt or content, or tranſmitting a falſe or fictitious duplicate or duplicates, as aforeſaid, ſhall forfeit and loſe his employment, and from thenceforth be rendered incapable of ſerving his Majeſty in any place or truſt whatſoever.

No tobacco of the growth of the American ſtates to be imported without a manifeſt ſworn to by the maſter of the veſſel.

VII. And be it further enacted, That no tobacco of the growth or production of the United States of *America*, except ſuch tobacco as ſhall be water-borne before the ſaid firſt day of *January*, one thouſand ſeven hundred and eighty-ſix, ſhall be imported or brought into *Great Britain* from the ſaid United States, in any ſhip or veſſel whatſoever, unleſs the maſter, or other perſon having or taking the charge or command of every ſhip or veſſel importing ſuch tobacco, ſhall have on board a manifeſt or manifeſts, or content or contents in writing, made out and ſigned by ſuch maſter or other perſon, on or before the clearing of every ſuch ſhip or veſſel, at all and each and every of the ports or places within the ſaid United States where ſuch tobacco ſhall be laden on board, containing the name or names of the ſeveral and reſpective ports or places where the tobacco in ſuch manifeſt or manifeſts, or content or contents mentioned, ſhall have been ſo reſpectively laden on board, the name of the ſhip or veſſel in which the tobacco ſhall be ſo laden, and the tonnage thereof, with the ſeveral other particulars before directed and required by this act to be delivered by the collector and comptroller, or two other chief officers of his Majeſty's cuſtoms, at the ports or places in his Majeſty's ſaid colonies, plantations, iſlands, or territories in *America*, to the maſter, or other perſon having or taking the charge or command of any ſhip or veſſel cleared out from thence laden with tobacco, to be imported from thence into *Great Britain* as aforeſaid; upon which ſaid manifeſt or manifeſts, or content or contents in writing, ſo to accompany tobacco imported into *Great Britain* from the ſaid United States, there ſhall be indorſed the oath of the maſter, or other perſon having or taking the charge or command of the ſhip or veſſel ſo laden as aforeſaid with tobacco in the ſaid United States, teſtifying the truth thereof, and ſworn to by the ſaid maſter or other perſon, on or before the clearing as aforeſaid of ſuch ſhip or veſſel in the ſaid United States, before the *Britiſh* conſul, if there ſhall be any one then reſident at or near to the port or place where ſuch tobacco ſhall be ſo laden, or before ſome magiſtrate or publick officer reſiding at or near to ſuch place, if there be not any *Britiſh* conſul there.

Penalty on importation of tobacco without a manifeſt.

VIII. And be it further enacted, That if any tobacco ſhall be imported or brought as aforeſaid into *Great Britain*, in any ſhip or veſſel whatſoever, from any port or place within his Majeſty's colonies, plantations, iſlands, or territories in *America*, or from any port or place within the United States of *America*, without ſuch manifeſt or manifeſts, or content or contents in writing, as before directed, all ſuch tobacco ſo imported or brought into *Great Britain*, ſhall be ſubject and liable to the ſame

same duties as tobacco of the growth of the *Spanish* or *Portuguese* plantations and the master, or other person having or taking the charge or command of such ship or vessel, shall forfeit and lose the sum of one hundred pounds.

Manifest to be produced to officers of the customs of the port where a ship arrives.

IX. And be it further enacted, That every master, or other person having or taking the charge or command of any ship or vessel, in which any tobacco shall be so imported or brought as aforesaid into any of the several and respective ports in *Great Britain* herein-before enumerated, either from any port or place within his Majesty's said colonies, plantations, islands, or territories in *America*, or from any port or place within the said United States of *America*, shall, upon demand, produce all and every such manifest or manifests, or content or contents in writing, which such master or other person is before directed and required by this act to have on board his said ship or vessel, to all and every officer and officers of his Majesty's customs who shall come on board his said ship or vessel, upon the arrival of such ship or vessel as aforesaid within the limits of any such port, for his or their perusal, examination, and inspection thereof; which said several officers, to whom the same shall have been so produced, shall certify, upon the back thereof, the production of the same; and the said master, or other person so having or taking the charge or command of any such ship or vessel as aforesaid, shall not only produce to the officer or officers of his Majesty's customs who shall first come on board such ship or vessel, upon her arrival as aforesaid within any of the said ports in *Great Britain* herein-before enumerated, such manifest or manifests, or content or contents in writing as aforesaid, but shall give and deliver to him or them a true copy or copies thereof (such copy or copies to be provided by and at the expence of the said master or other person); the production of which said manifest or manifests, or content or contents in writing, and the receipt of such copy or copies thereof as before directed, shall be certified by the said officer or officers of his Majesty's customs, who shall so first as aforesaid come on board the said ship or vessel, to have been so delivered as aforesaid, upon the back of the said original manifest or manifests, or content or contents in writing, with the particular day, and the time when, such officer or officers so received the same; and such officer or officers is and are hereby required, at the next custom house to the place where he or they shall have so received the said copy or copies of such manifest or manifests, or content or contents in writing as aforesaid, within twenty-four hours after the time he or they shall have so received the same, to make an entry thereof, or cause the same to be entered, in a book to be kept for that purpose at the several and respective custom houses at the said several and respective ports in *Great Britain*, where such tobacco as aforesaid is permitted to be imported and brought; and after the same shall have been so entered as aforesaid, the said officer or officers who shall have so entered, or caused the same to be entered in the said book as aforesaid,

Copies of manifest to be given to the officer of the customs, in order to be entered at the nearest custom house.

Copy after entry to be transmitted to the commissioners of cus-

toms, and the officer to lock down the hatchways.

aforesaid, shall forthwith transmit, or cause to be transmitted, the said copy or copies of the said manifest or manifests, or content or contents in writing, to the said respective commissioners of his Majesty's customs in *Great Britain*; and such officer or officers who shall have so received such copy or copies shall, and is and are hereby required to batten and lock down the main and other hatchway and hatchways leading to the hold or place of stowage in such ship or vessel, and the master, or other person having the charge or command of such ship or vessel, shall, and is hereby required to assist, or cause to be assisted, the said officer or officers of his Majesty's customs, by a sufficient number of the crew of such ship or vessel, in the battening and locking down the said hatchway or hatchways.

Penalty on not producing, or giving copies of manifests to the officers of the customs, and on refusal to assist in locking down the hatchways.

X. And be it further enacted, That if the master, or other person having or taking the charge or command of any ship or vessel in which any such tobacco shall be so imported or brought into *Great Britain* as aforesaid, shall not produce such manifest or manifests, or content or contents in writing to each and every the officer and officers of his Majesty's customs as aforesaid, upon demand thereof and also give such copy or copies thereof as aforesaid to the officer or officers of his Majesty's customs, who shall first come on board such ship or vessel upon her arrival as aforesaid, within any of the said ports in *Great Britain* herein-before enumerated, all the tobacco on board such ship or vessel shall be deemed and taken to be tobacco imported or brought into *Great Britain* without a manifest or manifests, or content or contents in writing, as before directed, and shall be subject and liable to the same duties as tobacco of the growth of the *Spanish* or *Portuguese* plantations; and the master, or other person having or taking the charge or command of such ship or vessel, shall forfeit and lose the sum of one hundred pounds, and such master or other person, if he shall not aid and assist, or cause to be aided and assisted, the officer or officers of the customs as aforesaid, in battening and locking down the main and other hatchway and hatchways leading to the hold or place of stowage as aforesaid, such master or other person shall likewise forfeit and lose the sum of one hundred pounds.

Penalty on officers neglecting to require the production of manifests, etc.

XI. And be it further enacted, That if any officer or officers of his Majesty's customs shall go on board any ship or vessel, in which any tobacco shall be so imported or brought into *Great Britain* as aforesaid, and shall not demand, as aforesaid, the production of the manifest or manifests, or content or contents in writing as aforesaid; or in case, upon production thereof, such officer or officers shall not certify thereupon the production thereof as aforesaid; or if any officer or officers of his Majesty's customs, who shall first go on board such ship or vessel within the port of discharge for any such tobacco so imported or brought into *Great Britain* as aforesaid, and to whom such manifest or manifests, or content or contents in writing, shall have been so produced, and a copy or copies thereof given or delivered as aforesaid, shall neglect or omit to certify the receipt of

of such copy or copies in the manner herein-before directed, or shall not, within twenty-four hours after the time of receiving such copy or copies as aforesaid, (unless prevented by some unavoidable accident or reasonable cause) enter, or cause to be entered, such copy or copies in the book so directed to be kept for that purpose as aforesaid, or shall not transmit the said copy or copies with all convenient speed, and without loss of time, to the said respective commissioners of his Majesty's customs in *Great Britain*, as herein-before is directed, or shall neglect or omit to batten and lock down the hatchway and hatchways as aforesaid, such officer or officers shall, for each and every such offence respectively, forfeit and lose the sum of one hundred pounds.

Commissioners of customs to appoint a place for mooring ships, till their cargoes are delivered.

XII. And be it further enacted, That the commissioners of his Majesty's customs in *England*, or any four or more of them for the time being, shall, and are hereby required to fix and appoint, or cause to be fixed and appointed, and from time to time continued, at each and every of the respective ports in *England* herein-after mentioned; that is to say, *London*, *Bristol*, *Liverpool*, *Lancaster*, *Cowes*, *Whitehaven*, and *Hull*, a certain place for the purpose of mooring every ship or vessel, which shall so as aforesaid come or arrive within any of those respective ports, laden with tobacco as aforesaid; from which place such respective ships or vessels shall not, on any pretence whatsoever, depart, until their respective cargoes of tobacco shall have been delivered from them in the manner herein-after mentioned, and until such ships or vessels shall be regularly cleared by the proper officer or officers of the customs for that purpose; and the commissioners of his Majesty's customs in *Scotland*, or any three or more of them for the time being, are hereby in like manner authorised and required to fix and appoint, or cause to be fixed and appointed, and from time to time continued, at each and every of the said respective ports in *Scotland* herein-after mentioned; that is to say, *Greenock* or *Port Glasgow*, a certain place for the purpose of mooring such ships or vessels as shall come to or arrive at any of the said respective ports in *Scotland* herein-before enumerated; from which place such respective ships or vessels shall not, on any pretence whatsoever, depart, until their respective cargoes of tobacco shall have been delivered from them in the manner herein-after mentioned, and until such ships or vessels shall have been regularly cleared by the proper officer or officers of the customs for that purpose; and if the master of any ship or vessel, having such tobacco on board as aforesaid, upon her arrival at any of the before-mentioned ports in *England* or *Scotland* respectively, shall not forthwith comply with all and every the directions, requisitions, and regulations, given, required, fixed upon, or appointed by the said respective commissioners of the customs, or any four or more of them for the time being, in *England*, or the commissioners of the customs, or any three or more of them for the time being, in *Scotland*, by virtue and in pursuance of the authority herein-before given, and the power

Penalty on noncompliance with the regulations of the commissioners of the customs.

power vested in such commissioners respectively, in order to secure the due payment of the duties upon the tobacco so to be imported or brought into *Great Britain*, such master, or other person having the charge or command of such ship or vessel, shall forfeit and lose the sum of fifty pounds, unless, in the judgement of the said commissioners, such master or other person shall be prevented from such compliance by means of any unforeseen or unavoidable accident.

Penalty on breaking bulk without authority from the officer of the customs, unless from necessity.

XIII. And be it further enacted, That if, after the arrival of any ship or vessel so laden with tobacco as aforesaid, within the limits of any of the ports of *Great Britain*, or within four leagues of the coast thereof, bulk shall be broken, or any part of the cargo of such ship or vessel shall be unladed or unshipped, with intention to be laid on land, or unshipped for any other purpose whatsoever, out of such ship or vessel as aforesaid, within the limits or distance aforesaid, before such ship or vessel shall come to the place appointed for her discharge, as before directed, and shall be there duly authorized by the proper officer or officers of the customs to unlade the same (unless in case of unavoidable necessity and distress of weather, or other unavoidable accident, necessity, or distress; of which necessity and distress, or other unavoidable accident, the master, or other person having or taking the charge or command of such ship or vessel, shall give notice; and the said master, or other person having or taking the charge or command of such ship or vessel, together with two or more of the mariners on board such ship or vessel, shall make proof upon oath, before the collector, or other chief officer of the customs of the port within the limits of which such accident, necessity, or distress shall happen, or before the collector, or other chief officer of the first port in *Great Britain* within the limits of which such ship or vessel shall afterwards arrive, if the said accident, necessity, or distress, shall have happened not within the limits of any port, but within four leagues of the coast of *Great Britain*, (which oath the said collector, or other chief officer, is hereby authorized and required to administer), every such ship or vessel, together with her cargo, and all her guns, furniture, ammunition, tackle, and apparel, shall be forfeited and lost, and the said master, or other person having or taking the charge or command of such ship, shall forfeit and lose the sum of one hundred pounds; or if the fastenings or locks to the hatchway or hatchways on board any such ship or vessel, or any of them, after having been so battened and locked down as aforesaid by any officer or officers of his Majesty's customs as aforesaid, shall be broken before the said ship's arrival at her moorings as aforesaid, or before the same shall have been opened under the authority of the proper officer or officers of the customs as aforesaid, unless upon the like proof as before-mentioned of the unavoidable necessity thereof, made in the manner before directed in case of bulk being broken, or any part of the cargo unladen or unshipped as aforesaid, the master, or other person having or taking the charge or

Penalty on unfastening locks without authority.

or

or command of such ship or vessel, shall forfeit and lose the sum of one hundred pounds.

XIV. And be it further enacted, That the master, or other person having or taking the charge or command of any ship or vessel, in which such tobacco shall be so imported or brought as aforesaid into *Great Britain*, shall, on or before the arrival of such ship or vessel at her moorings as aforesaid, at any one of the said respective ports in *Great Britain* herein-before enumerated, make a just and true entry, upon oath, of the burthen, contents, and lading, of such ship or vessel, with the particular marks, numbers, qualities, and contents, of every parcel of goods then laden on board such ship or vessel, to the best of his knowledge and belief, and do and perform every act and thing in relation thereto, before the customer, collector, or other chief officer of the customs of the said port, openly in the custom house at the same port, in the manner and as directed and required by an act passed in the first year of the reign of her late majesty Queen *Elizabeth*, intituled, *An act for limiting the times for laying on land merchandize from beyond the seas, and touching customs for sweet wines*; and by an act passed in the thirteenth and fourteenth years of the reign of his late majesty King *Charles* the Second, intituled, *An act for preventing frauds, and regulating abuses in his Majesty's customs*, under the penalty of the forfeiture of one hundred pounds; and the said master or other person shall, at the time that he so makes his report or said entry upon oath of his ship at the custom house as aforesaid, deliver to the collector or other chief officer of the customs at the said port, the manifest or manifests, or content or contents in writing, as before directed to accompany such respective cargoes, and to be on board every ship or vessel in which tobacco shall be so imported or brought as aforesaid into *Great Britain*; and if the said master, or other person having or taking the charge or command of any such ship or vessel, shall omit, neglect, or refuse, to deliver such manifest or manifests, or content or contents in writing as aforesaid, to the said collector or other chief officer of the customs, at the time he so makes his said report or entry upon oath of his ship at the custom house as aforesaid, every such master, or other person so having or taking the charge or command of such ship or vessel shall, for every such offence, forfeit and lose the sum one of hundred pounds.

Master of vessel to make an entry upon oath of the burthen, contents, etc. thereof, before the chief officer of the customs at the port agreeable to act 1 Eliz. c. 11; and act 13 and 14 Car. 2. c. 11; on penalty of 100l.; and to deliver his manifest, under like penalty for neglect.

XV. And be it further enacted, That all and every importer or importers, proprietor or proprietors, consignee or consignees, of any tobacco imported or brought into *Great Britain* as aforesaid, shall severally and respectively, within ten days, if the whole or the major part of the lading of the ship or vessel in which the same shall be so imported or brought be tobacco, or within fifteen days, if the major part of the lading of such ship or vessel shall consist of other goods, and not of tobacco, after the master, or other person having or taking the charge or command of such ship or vessel, shall have or ought to have made his report or said entry upon oath of his ship, in manner

Importers of tobacco to make entry within a limited time after arrival at any port in Great Britain of the quantity, etc.

manner herein-before directed, make, in the uſual and accuſtomed manner, with the collector or other chief officer of the cuſtoms at the port in *Great Britain* where the ſaid ſhip or veſſel ſhall arrive ſo laden in the whole or in part with tobacco as aforeſaid, a due entry in writing of all the tobacco ſo by them, and each and every of them, reſpectively imported in ſuch ſhip or veſſel, or of which they, and each and every of them, are the importers, proprietors, and conſignees, reſpectively, agreeably to the ſeveral and reſpective marks, numbers, and contents, as ſpecified in the manifeſt or manifeſts, content or contents in writing, relative to ſuch reſpective tobacco, and alſo agreeably to the particulars ſet forth in the ſaid report, or ſaid entry upon oath, of the maſter, or other perſon having or taking the charge or command of the ſhip or veſſel in which ſuch tobacco ſhall be ſo as aforeſaid reſpectively imported or brought into *Great Britain*; and the ſaid reſpective importer or importers, proprietor or proprietors, or conſignee or conſignees, immediately after they have reſpectively ſo duly entered their ſaid tobacco as aforeſaid, with the ſaid collector or other chief officer of the cuſtoms as aforeſaid, provided he or they do not reſpectively forthwith pay into the hands of the collector, or other chief officer of the cuſtoms, the ſeveral ſubſidies, cuſtoms, duties, and impoſts, due and payable for the ſaid tobacco, ſhall, and are hereby directed and required, ſeverally and reſpectively, to become bound unto his Majeſty, his heirs and ſucceſſors, in one or more bond or bonds, in the penalty of double the amount of the duties upon the tobacco ſo entered as aforeſaid, for payment of the ſaid ſubſidies, cuſtoms, duties, and impoſts, within eighteen months, to commence at and from the expiration of twenty days after the report or ſaid entry upon oath of the maſter, or other perſon having or taking the charge or command of the ſhip or veſſel in which ſuch tobacco ſhall be ſo imported or brought as aforeſaid, or to commence from the ſaid entry of ſuch tobacco reſpectively, by the ſeveral and reſpective importers, proprietors, or conſignees thereof as aforeſaid, within thoſe twenty days, which ever period of time ſhall firſt happen; which bond or bonds ſhall not be given up, cancelled, or diſcharged, but upon payment of the reſpective duties by ſuch bond or bonds ſo ſecured to be paid, or upon the due exportation of the tobacco, for the payment of the duties upon which ſuch bond or bonds are reſpectively given, under the reſtrictions and regulations herein-after directed.

and if duties are not forthwith paid, to give bond for payment.

Tobacco imported to be depoſited in warehouſes to be fixed upon by the commiſſioners of the cuſtoms.

XVI. And be it further enacted, That all tobacco which ſhall from time to time be ſo imported as aforeſaid into *Great Britain*, ſhall, upon being landed, be forthwith carried and conveyed to, and having been examined, weighed, and dealt with in the manner herein-after directed, be forthwith depoſited or lodged in, and ſecured at ſuch particular warehouſe or warehouſes as ſhall be fixed upon, and from time to time appointed for that purpoſe, at the ſaid ſeveral ports herein-before enumerated, within *Great Britain*, by the ſaid commiſſioners of the cuſtoms,

customs, or any four or more of them for the time being, in *England*, or the said commissioners of the customs, or any three or more of them for the time being, in *Scotland*, respectively; and to which said respective warehouses, and no other, tobacco, upon being so landed as aforesaid, shall be carried or conveyed as aforesaid, under the guard and especial care of such officer or officers of the customs as shall from time to time be fixed upon and appointed for that purpose, under the authority of the said commissioners of the customs, or any four or more of them for the time being, in *England*, or the said commissioners of the customs, or any three or more of them for the time being, in *Scotland*, respectively.

Commissioners to provide warehouses out of duties on tobacco.

XVII. And be it further enacted, That the said commissioners of the customs, or any four or more of them for the time being in *England*, and the said commissioners of the customs, or any three or more of them for the time being, in *Scotland*, respectively, are hereby authorised and impowered, out of any of the subsidies, customs, duties, or imposts, paid by virtue or in pursuance of any act or acts of parliament now in force, upon the importation of tobacco into *Great Britain*, to provide from time to time, as they shall deem requisite and necessary for the publick service, and for the service of revenue, a warehouse or warehouses at each and every of the said respective enumerated ports; in which warehouse or warehouses, and no other, all such tobacco, so as aforesaid imported or brought into *Great Britain*, shall be so deposited, or lodged and secured as aforesaid.

Landing waiters to apply to the collectors for the entries of imported tobacco, and not to suffer any to be landed till they have entered the particulars in their books, on penalty of 50l.

XVIII. And be it further enacted, That the landing waiters appointed for the delivery of every ship or vessel so arriving as aforesaid at any of the several ports in *Great Britain* herein-before enumerated, from any port or place within his said Majesty's colonies, plantations, islands, or territories, in *America*, or from the said United States of *America*, having tobacco on board, shall, upon being so appointed to such ship or vessel as aforesaid, apply in the usual manner to the collector of the customs at such port for the usual entry or entries made of such tobacco, or warrant or warrants of entry, ascertaining the duties upon such tobacco either to have been paid or secured, and for the manifest or manifests, or content or contents in writing, accompanying the said tobacco, (who is hereby required and directed to deliver the same to such landing waiters); and such landing waiters are hereby directed and required not to suffer any part of the tobacco on board such ship or vessel to be landed until they have, from and agreeably to the manifest or manifests, or content or contents in writing, so delivered to them by the said collector, entered into their respective books (given to them by the directions of the commissioners of his Majesty's customs, for keeping accounts of goods by them delivered, or suffered to be delivered, from on board such ships) the several and respective entries so made as aforesaid, and the several and respective marks, numbers, weights, taxes, and contents, of the several hogsheads, casks,

casks, chests, and cases, as described and set forth in the manifest or manifests, or content or contents in writing, so directed as aforesaid, under the penalty of the forfeiture of fifty pounds; and the said landing waiters are hereby directed and required to give or deliver to such officer or officers of his Majesty's customs as shall be appointed for that purpose by the said commissioners of his Majesty's customs, or any four or more of them, in *England*, for the time being, or the commissioners of his Majesty's customs in *Scotland*, or any three or more of them for the time being, respectively, the usual and accustomed order or orders to the officers stationed on board such ship or vessel, permitting them to suffer such particular hogsheads or other packages of tobacco on board such ship or vessel, particularly described in such said order or orders, to be delivered from on board such ship or vessel, in the usual and accustomed manner; and such officer or officers of his Majesty's customs, to whom such order or orders shall be so delivered as aforesaid, from such landing waiters as aforesaid, shall forthwith repair on board such ship or vessel, and in the presence of the officers then stationed on board, and in the presence likewise of the master or other person having or taking the charge or command of such ship or vessel, if such master or other person be then on board, and thinks proper or chuses to attend, upon being acquainted therewith by the said officer or officers, open the main and other hatchway and hatchways leading to the hold or place of stowage as aforesaid in such ship or vessel, and bring, or cause to be brought, upon the deck of such ship or vessel, the several hogsheads or other packages of tobacco on board such ship or vessel, particularly mentioned and described in such order or orders so delivered to them as aforesaid by the landing waiters, and affix, or cause to be affixed, to each and every such hogshead, cask, chest, or case of tobacco, such mark or impression as the said commissioners of the customs for the time being, in *Great Britain*, respectively, shall direct for that purpose, with the progressive number to each and every such hogshead, cask, chest, or case; and after the said several hogsheads, casks, chests, and cases of tobacco have had such mark or impression so affixed to them respectively as aforesaid, the same is and are hereby directed and required to be unshipped into proper craft, and sent up under proper guards, and landed in the usual manner, and at the usual places, and to be conducted forthwith under proper guard, and the care of such officers as the said respective commissioners of his Majesty's customs in *Great Britain* shall respectively appoint for that purpose, to the respective warehouse or warehouses in which the same tobacco is to be so deposited, or lodged in and secured as aforesaid; and the said landing waiters so appointed as aforesaid to such respective ship or vessel, shall, and are hereby required, upon the respective hogsheads, casks, chests, or cases of tobacco being so brought as aforesaid to the said respective warehouse or warehouses, and at or near the same, to cause the usual and accustomed landing marks, or such

Landing waiters to give the usual permit to the officers on board for the delivery of any tobacco.

Regulations for delivery,

and for conveying the packages to the warehouses.

Landing waiters to fix landing marks on each case, etc. and enter the same in their books, on penalty of 50l.

such other landing marks as shall be from time to time directed by the said respective commissioners of the customs in *Great Britain* as aforesaid, to be fixed and set upon every hogshead, cask, chest, or case whatsoever, containing such tobacco so landed as aforesaid; and the said landing waiters are hereby also required to enter such landing marks in their several and respective books so given to them as aforesaid from the said respective commissioners of the customs, upon pain of forfeiting the sum of fifty pounds each; and the said landing waiters at or near to the said warehouse or warehouses are then to weigh, or cause to be weighed, the said several and respective hogsheads, casks, chests, or cases, and to insert as usual the several and respective weights in their said respective books; and, in order to prevent disputes between the officers who shall attend the weighing of such tobacco as aforesaid, and the importers, proprietors or consignees in regard to the justice of the weights to be taken, it is hereby directed, that the weights shall be as minutely and correctly taken as possible, giving the turn of the scale in favour of the crown; but in lieu thereof, and that the merchant may not be aggrieved, the said officers of the customs are hereby authorised and required to allow to the merchant two pounds weight avoirdupois upon every hogshead, cask, chest, or case so respectively weighed; which mode, in regard to the turn of the scale, is hereby directed and required to be observed particularly, and followed in weighing tobacco for exportation to foreign parts, or on delivery thereof for home trade, as hereinafter mentioned.

Landing waiters to weigh the tobacco.

Allowance in lieu of the turn of the scale.

XIX. And be it further enacted, That after the said hogsheads, casks, chests, or cases, have been so weighed as aforesaid, the several importers, proprietors, or consignees, or their agents, shall be permitted, in the presence of the said respective landing waiters, to draw or take, for the purpose of sample only, out of each hogshead, cask, chest, or case, so weighed as aforesaid, as much tobacco as they shall respectively require, not exceeding four pounds weight; which said tobacco, so taken as aforesaid by way of sample, shall be returned by the said importers, proprietors, or consignees, respectively, to be weighed together with the respective hogshead, cask, chest, or case, out of which such sample tobacco hath been so taken as aforesaid, upon the re-weighing thereof respectively, either for exportation or for home trade.

Samples may be taken of tobacco which has been weighed, but must be returned.

XX. And be it further enacted, That if it shall be found necessary by the said merchants to take a second sample of tobacco, it shall be lawful for them so to do, provided, at the time of taking it, the first be returned and put into the respective hogshead, cask, chest, or case, out of which it was taken, and provided such second sample be taken in the presence of the officer or officers of the customs in whose custody the tobacco shall then be, and provided such second sample shall not exceed four pounds weight; which said second sample is hereby directed and required

A second sample may be taken under the same restriction on return of the first sample.

required to be returned in order to be weighed, either for exportation or home trade as aforesaid.

Landing waiters to furnish the warehouse keepers with copies of the entries, etc.

XXI. And be it further enacted, That the landing waiters, before they proceed to weigh any of the tobacco so landed as aforesaid, shall furnish the officer or officers of the customs, who shall be appointed to the care of the respective warehouse or warehouses in which the said tobacco is to be so lodged as aforesaid, and in whose custody such tobacco is to be so deposited as aforesaid, with a copy of the several and respective entries, or warrants of entry, for such respective tobacco, and each and every day after they have so weighed any of the same tobacco, likewise furnish such officer or officers with the landing numbers and weights of each respective hogshead, cask, chest, or case, so respectively weighed on that day, which the said warehouse officer or officers are hereby directed to enter, or cause to be entered, in proper books to be kept for that purpose; and as soon as the whole cargo of tobacco of any one respective ship shall have been so landed, weighed, and deposited in such warehouse or warehouses respectively as aforesaid, the landing waiters appointed to such ship or vessel shall forthwith furnish the said warehouse officer or officers with one of their said books so kept as aforesaid by him or them for the same ship; and the said warehouse officer or officers, after comparing the same with the accounts kept by him or them from the materials with which he or they shall have been so furnished daily as aforesaid by the said landing waiters, sign the same book so left with them as aforesaid by the said landing waiters, if the said account of the said warehouse officer or officers shall be found in every respect to correspond therewith, and, after so signing it, return the same to the same landing waiters.

and with a cheque book when the whole cargo is deposited, which after examination is to be returned signed to the landing waiter.

Landing waiters after the landing, etc. of the cargo, to deliver to the merchant an account of the marks and weights of the hogshead, etc.

XXII. And be it further enacted, That the said landing waiters shall, so soon as conveniently may be after the whole cargo of tobacco of any one respective ship or vessel shall have been so landed, weighed, and deposited in such warehouse or warehouses respectively as aforesaid, deliver, without fee or reward, to each merchant having tobacco on board such respective ship or vessel, if required, an account from their said books of the particular marks and numbers upon the several hogsheads, casks, chests, or cases, containing such merchant's tobacco, respectively, with the particular weights of each such hogshead, cask, chest, or case, and the particulars of the damage cut off and separated from the tobacco in each such several and respective hogsheads, casks, chests, or cases.

Damaged tobacco to be burnt, if the duties refused to be paid.

XXIII. And be it further enacted, That no allowance, either at the scale, or otherwise, shall be made to the importer or importers, proprietor or proprietors, or consignee or consignees, for or in consideration of any such tobacco so imported or brought into *Great Britain* being damaged or mean; but in case any merchant or other person shall refuse to enter, and pay or secure the duties aforesaid for such tobacco, then he or they shall

shall have liberty to refuse the same, or to separate such damaged tobacco, by cutting off from the hogshead or other package so much thereof, as he or they shall refuse to pay duty for; and the principal officers of his Majesty's customs, or any three or more of them, shall cause all such tobacco to be burnt or destroyed, without making any allowance to such importer, proprietor, or consignee, for freight or other charges, other than the allowances hereafter in this act provided; any law or custom to the contrary notwithstanding.

The stalk not to be separated from the leaf.

XXIV. Provided always, and it is hereby enacted and declared, That it shall not be lawful for any merchant or other person, nor shall they have liberty, to separate the stalk from the leaf, on pretence that the same is damaged or mean tobacco.

Allowance for tobacco actually damaged on ship-board, etc.

XXV. Provided also, and be it further enacted, That in case any tobacco so imported or brought into *Great Britain* as aforesaid shall happen to receive damage on board any ship or vessel, by stress of weather at sea, or any damage by any such ship or vessel being forced on shore in any part of *Great Britain*, or if any unforeseen accident shall happen, after the arrival of any ship or vessel within the port for discharging her tobacco in *Great Britain*, by the ship's bulging on an anchor, or by the lighter into which the tobacco is put in order to be laid on land, or by any such like accident, whereby such tobacco shall receive damage, it shall and may be lawful to and for the commissioners or collectors, or other chief officers of his Majesty's customs, to allow and pay to the importer, proprietor, or consignee, at the rate of one halfpenny for every pound of such tobacco for which the importer, proprietor, or consignee, shall refuse to pay or secure the full duties, and which shall be cut off or separated from the sound tobacco, in order to be burnt, or otherwise publickly destroyed, by the officers of his Majesty's customs, so as such allowance shall not exceed thirty shillings for all the tobacco damaged in any one single hogshead, cask, chest, or case imported; any thing herein contained to the contrary notwithstanding.

Regulations for repacking and exporting the sound part of damaged tobacco.

XXVI. Provided nevertheless, and it is hereby declared and enacted, That if, upon the landing and examination of any unmanufactured tobacco so imported into *Great Britain* as aforesaid, it shall appear that the tobacco in any of the hogsheads, casks, chests, or cases containing the same, is so much damaged, that by cutting off the damaged part thereof (for which no duty is to be paid) the sound tobacco remaining in any of such hogsheads, casks, chests, or cases (for which duty is to be paid) is under the weight of four hundred and fifty pounds, then, and in such case, it shall and may be lawful for the importer or importers, proprietor or proprietors, or consignee or consignees thereof, in the presence of the landing waiters appointed to deliver the ship in which the same was imported, to cause all such sound tobacco to be put together into one or more of the same hogsheads, casks, chests, or cases, out of which the damaged

tobacco was taken; and the said landing waiters, or other proper officers, are hereby directed and required to enter into their respective books the true and exact weight of all such found tobacco put into each and every such hogshead, cask, chest, or case, with the several and respective marks and numbers set on each and every such hogshead, cask, chest, or case, and also to note and specify in their books that such hogsheads, casks, chests, or cases were packed and re-filled in their presence; and all and every such hogsheads, casks, chests, or cases, of unmanufactured tobacco, shall and may be exported from the warehouse or warehouses into which the same shall have been so respectively lodged or deposited, and secured as aforesaid, provided the quantity of the tobacco in each such hogshead, cask, chest, or case, shall amount to four hundred and twenty-five pounds weight, or more, in the same manner and form, to all intents and purposes, as if the package of such tobacco had not been altered; any thing herein-before contained to the contrary notwithstanding.

Regulations on entry of tobacco for exportation.

XXVII. And be it further enacted, That all and every person and persons who shall enter, at any of the several ports in *Great Britain* herein-before enumerated, any such tobacco, in order to be shipped and exported, in any ship or vessel whatsoever, to any part or parts beyond the seas, shall, at or near to the warehouse or warehouses in which such tobacco shall have been so as aforesaid lodged or deposited, and secured as aforesaid, and before the same, or any part thereof, is finally discharged from the custody of the officer or officers of the said respective warehouse or warehouses, in order to be laden on board any ship or vessel to be so exported, indorse upon the cocquet and bill to be delivered to the searcher or searchers belonging to the customs, and appointed to examine tobacco shipped for exportation, in a fair, distinct, and legible manner, the plantation or manifest mark and number which was upon each and every such hogshead, cask, chest, or case of tobacco, at the time when the same was first imported into *Great Britain*, and also the landing marks and numbers which were placed and set upon each and every such hogshead, cask, chest, or case thereof, when the same was first landed in *Great Britain*, together with the exact weight of the tobacco contained in each and every such hogshead, cask, chest, or case, at the time of its being landed in *Great Britain*; and likewise indorse upon the same cocquet and bill, after weighing, in the presence of the officer or officers of the customs appointed to that business by the respective commissioners of the customs in *Great Britain* for the time being respectively, the tobacco so entered for exportation, the then weight of the tobacco contained in each particular hogshead, cask, chest, or case at the time it is so weighed for exportation; and the searcher or searchers shall not admit any cocquet unless marked as aforesaid; and all and every exporter and exporters of tobacco shall also write off, and they are hereby required and directed to write off the weight of each hogs-

head,

head, cask, chest, or case of unmanufactured tobacco by him, her, or them exported from any port as aforesaid of *Great Britain*, to any part or parts beyond the seas, from the identical and particular entry made of each and every such hogshead, cask, chest, or case of such unmanufactured tobacco, at the time when it was first imported into *Great Britain*; and if any person or persons whatsoever, who shall enter outwards for exportation, to any part or parts beyond the seas, from any port or place in *Great Britain*, any such unmanufactured tobacco, shall neglect or refuse to indorse upon the cocquet and bill for the said tobacco, delivered to the searchers, in a fair, distinct, and legible manner, all and each and every of the several and respective marks, numbers, and weights herein-before mentioned and described, and in the manner and form the same is hereby required and directed to be done, or who shall neglect or refuse to write off the weight of each and every hogshead, cask, chest, or case of unmanufactured tobacco by him, her, or them exported, from the identical entry made thereof, at the time when the same was first imported into *Great Britain*, agreeable to the directions herein-before given for that purpose; all and each and every such person or persons, so offending in either one or other of those particulars, shall forfeit and lose the sum of five pounds for every hogshead, cask, chest, or case of such unmanufactured tobacco not indorsed upon the said cocquet and bill as aforesaid, or the weight of which shall not be so respectively written off in manner herein-before directed; any law, statute, or usage to the contrary in anywise notwithstanding.

Penalty on neglect.

XXVIII. Provided always, and be it enacted, That if any importer or proprietor of tobacco, that hath given security as aforesaid for the payment of the said duties in eighteen months, shall be desirous to discharge his bond or bonds, or any part thereof, in ready money, sooner than the expiration of the said eighteen months, he shall be abated, upon such bond or bonds, so much as the discount, at the rate of seven pounds *per centum per annum*, shall amount to in proportion to the time unexpired.

Discount to be allowed on payment of bonds before they become due.

XXIX. And be it further enacted, That no debenture shall be made forth for any tobacco so imported as aforesaid into *Great Britain*, or any drawback be paid or allowed for the same, when exported, or entered outwards for exportation, to any part or parts beyond the seas, unless the same, and every part thereof, be shipped and exported from the very same port or place at which such identical tobacco was originally imported into *Great Britain*, and no other; and unless the same identical tobacco, if unmanufactured, and every part thereof, be shipped and exported in the original package, with the same marks in and with which it was at first imported into *Great Britain*, together with the landing mark herein-before required to be placed and set thereupon, and no other, without any alteration whatsoever being made in the package (except such as shall be occasioned by necessary cooperage for the repairs of the said package), or any other tobacco being put therein, or any part

No manufactured tobacco to be exported, but in the same packages, and from the same port where it was originally imported.

of the tobacco being removed or taken out of the package in which it was at first imported, (except such tobacco as shall have been so taken out for sample as before allowed, and directed to be so returned into such original package for exportation as aforesaid; and if any person or persons whatsoever shall enter any tobacco for exportation at any other port or place than that at which the same identical tobacco was imported, or in any other cask or package (if unmanufactured tobacco) than the same in which it was originally imported, or without the same marks, and the said landing marks, all such tobacco shall be forfeited, and no drawback shall be paid thereupon; or if any be paid, the same shall be repaid, and the person who entered, or caused the same to be entered, shall forfeit the sum of two hundred pounds; and whosoever shall knowingly export beyond the seas any hogshead, or other package of tobacco, contrary to the true intent and meaning of this act, he, she, or they, so offending, shall forfeit and lose the sum of twenty pounds for every such hogshead, or other package of tobacco so exported.

Penalty.

Before tobacco is taken out of any warehouse, the bonded duties to be paid, and the vouchers thereof to be deposited with the warehouse keeper.

XXX. And be it further enacted, That when any such tobacco, so warehoused as aforesaid, shall be intended to be taken out of any such respective warehouse or warehouses, for home trade, the person or persons who shall intend to take the same out of such warehouse or warehouses, whether such person or persons be the original importer or importers, proprietor or proprietors, or consignee or consignees thereof, or the purchaser or purchasers of such tobacco from such importer or importers, proprietor or proprietors, or consignee or consignees, shall, before such tobacco is taken out of such respective warehouse or warehouses, pay down in ready money, to the collector or other chief officer of his Majesty's customs, at the respective port where such tobacco shall so be warehoused, the duties secured by bond or bonds, in manner before directed, for such respective tobacco, and shall produce to, and leave and deposit with, the officer or officers in whose custody such tobacco shall then be, a clear, distinct, and proper voucher or vouchers, from the collector or other chief officer of the customs (which said officer is hereby directed and required to grant the same, without fee or reward, to the person or persons who shall have so as aforesaid paid the duties for such tobacco, on his application to such officer for the same) directed to such officer or officers of the customs in whose custody such tobacco shall then be, ascertaining the duties to have been paid for such respective tobacco; and the said collector, or other chief officer of the customs, together with his comptroller, shall also, and is hereby directed and required, without fee or reward, to grant to such person or persons, who shall have so paid the duties as aforesaid, a certificate or certificates that the duties for such tobacco have been so paid, describing therein by whom such duties were paid, and the time when, and in what ship or vessel, or ships or vessels, the same, and every part thereof, was respectively imported, and

Certificate of payment of duties to be given without fee.

also the marks and numbers of the identical hogshead or hogsheads, casks, chests, or cases, in which such tobacco shall be contained, and describing also the name or names of the person or persons to whom such tobacco shall be so sent, and the place or places of his or their abode respectively, on pain of forfeiting the sum of one hundred pounds for every such offence; and the said warehouse officer or officers is and are hereby directed and required to deliver all the tobacco for which the duties shall have been so paid, to the person or persons so producing such voucher or vouchers, and certificate or certificates as aforesaid; and the same warehouse officer or officers is and are hereby directed and required to enter, in the books so to be kept by him or them as aforesaid, the particulars of such voucher or vouchers, and certificate or certificates as aforesaid, so as in such books clearly to shew, and particularly describe, the discharge of such respective tobacco from his or their custody.

Warehouse keeper to deliver tobacco on certificate, and to enter the same.

XXXI. And be it further enacted, That no tobacco unmanufactured shall be removed, carried, or conveyed, by land or by water, from any port or place of importation as aforesaid, within *Great Britain*, to any other port or place whatsoever, within *Great Britain*, or shall be removed from any one place within or without such port or place of importation, to any other place within or without the same port or place, without a certificate from the collector, or other chief officer of the customs, and the comptroller as aforesaid, and in the original package in which it was imported, preserving the same marks and numbers, under the penalty of the forfeiture of all such tobacco as shall be so carried or removed without such certificate, and the package containing the same as aforesaid, and also the horses and cattle, and carts, waggons, and other carriages whatsoever, employed or any way made use of in the removing, carriage, or conveyance of the same.

No unmanufactured tobacco to be removed from place to place without certificate, and in the original packages.

Penalty.

XXXII. And be it further enacted, That before any unmanufactured tobacco shall be removed, carried or conveyed, by land or by water, as aforesaid, the proprietor, factor, or agent thereof shall describe and insert, on the back of such certificate, in a fair and legible manner, the names of each particular package in which such tobacco is contained, together with the particular marks and numbers set on each package, and also the true and exact weight of the tobacco contained in each particular package, and the place from whence the same is to be delivered, and to which the same is to be carried and conveyed, and by whom, and the name of the person to whom, the tobacco is consigned; and such proprietor, factor, or agent, shall subscribe his, her, or their name or names, and make oath to the truth thereof; and the certificate so granted, if going by land, shall express the number of days it shall continue in force, and shall accompany the tobacco to such place to which the same is to be carried and conveyed; and upon its coming to such place, the person or persons receiving the same, or to whom the tobacco

Regulations for removal of tobacco from place to place.

bacco belongs, ſhall cauſe ſuch certificate to be delivered to the chief officer of the cuſtoms, if any ſuch there be; and in caſe there be no officer of the cuſtoms, then to the officer of exciſe of the diviſion whereunto ſuch goods are carried and conveyed; and ſuch officer is hereby directed to examine the ſame with the goods, and if they agree therewith, the tobacco may be taken away and diſpoſed of by the perſon or perſons to whom of right they belong or appertain, and ſuch officer is thereupon to enter ſuch certificate diſtinctly in a book by him to be kept for that purpoſe; and the officer of the cuſtoms or exciſe receiving ſuch certificate ſhall from time to time tranſmit the ſame to the officer now appointed, or the officer or officers hereafter to be appointed, by the high treaſurer, or commiſſioners of the treaſury, for keeping ſuch accounts.

Regulations to be obſerved when any imported tobacco is intended to be manufactured.

XXXIII. And be it further enacted, That all and every perſon and perſons who ſhall import any tobacco into *Great Britain*, from any of his Majeſty's colonies, plantations, iſlands, or territories in *America*, or from the United States of *America*, and who ſhall in anywiſe manufacture the ſame, or any part thereof, upon his, her, or their own account or accounts, or cauſe or procure the ſame, or any part thereof, to be manufactured for his, her, or their own account or accounts, by any other perſon or perſons, ſhall (before the ſame, or any part thereof, be manufactured by the importer or importers, or by any other perſon or perſons employed by the importer or importers, to be manufactured for the account of ſuch importer or importers) deliver, and they are hereby directed and required to deliver, to the collector or other chief officer of the cuſtoms at the place or port where ſuch tobacco was imported, an account in writing, containing the plantation or manifeſt mark and number of every hogſhead, caſk, cheſt, or caſe of tobacco intended to be manufactured, with the name of the ſhip or ſhips in which the ſame was or were imported, and the time when, and alſo the landing mark and number ſet on each hogſhead, caſk, cheſt, or caſe, at the time of their importation into *Great Britain*, and alſo the exact weight of the tobacco contained in each and every ſuch hogſhead, caſk, cheſt, or caſe, at the time of their being firſt landed in *Great Britain*, and the exact weight the ſame were, at the time of the delivery thereof to be manufactured; which account ſhall be ſigned by ſuch importer or importers, or one of his, her, or their known ſervants or agents, and alſo by ſuch perſon or perſons to whom ſuch tobacco is delivered to be manufactured, or one of his, her, or their known ſervants or agents, with their ſeveral and reſpective names and places of abode; and ſuch importer and importers ſhall, at the time of their delivering in ſuch accounts as aforeſaid, write off from the entries made at the time and times the tobacco contained in ſuch account was imported, and againſt each and every particular ſhip in which the ſame was imported, the weight of each particular hogſhead, caſk, cheſt, or caſe, contained in ſuch account, of tobacco intended to be manufactured as

as aforeſaid, in the very ſame manner and form as if the ſaid tobacco had been delivered for exportation; and in caſe any importer or importers of tobacco ſhall neglect to give in ſuch account as aforeſaid, at the time, and in ſuch manner and form, in all reſpects, to all intents and purpoſes, as is herein-before directed and required, or in caſe ſuch account ſhall, at the time the ſame is given in, or at any time afterwards, appear to be falſe and fraudulent in any reſpect whatſoever, he, ſhe, or they, knowingly offending in any or either of the caſes aforeſaid, ſhall forfeit and loſe the ſum of thirty pounds for every hogſhead, caſk, cheſt, or caſe of tobacco, an account of which is omitted to be given as before directed, or of which a wrong account ſhall knowingly be given; and the perſon or perſons to whom ſuch tobacco ſhall have been delivered to be manufactured, neglecting by him, her, or themſelves, or by his, her, or their known ſervant or agent, to ſign ſuch account as aforeſaid, or knowingly ſigning any fraudulent account, ſhall alſo forfeit and loſe the ſum of thirty pounds for every ſuch hogſhead, or other package of tobacco, of which no account, or for which a fraudulent account, is knowingly given.

Penalties on neglect of giving in an account of the quantity, etc. to be manufactured, or a fraudulent account thereof.

XXXIV. And be it further enacted, That all and every perſon and perſons who ſhall import any tobacco into *Great Britain*, from any of his Majeſty's colonies, plantations, iſlands, or territories in *America*, or in the United States of *America*, who ſhall ſell the ſame, or any part thereof, to any perſon or perſons whatſoever, ſhall, within three days after the delivery thereof out of his cuſtody to the purchaſer or purchaſers thereof, or their order, give and deliver to the collector, or other chief officer of the cuſtoms, at the port or place where ſuch tobacco was imported, an account in writing, containing the plantation or manifeſt mark and number of every hogſhead, caſk, cheſt, or caſe of tobacco, ſo ſold or delivered, with the name of the ſhip or ſhips in which the ſame was imported, and the times when, and alſo the landing mark and number ſet on each hogſhead, caſk, cheſt, or caſe, at the time of their importation into *Great Britain*, and alſo the exact weight thereof at the time of their ſale or delivery to the purchaſer or purchaſers thereof, which account ſhall be ſigned by ſuch importer, or one of his, her, or their known ſervants or agents, and alſo by ſuch perſon or perſons to whom ſuch tobacco is ſold or delivered, or one of his, her, or their known ſervants or agents with their ſeveral and reſpective names and places of abode; and ſuch importer and importers ſhall, at the time of their delivering in ſuch accounts as aforeſaid, write off from the entries made at the time and times the tobacco contained in ſuch account was imported, and againſt each and every particular ſhip in which the ſame was imported, the weight of each particular hogſhead, caſk, cheſt, or caſe of tobacco contained in ſuch account, in the ſame manner and form as if the ſaid tobacco had been delivered for exportation; and in caſe any importer or importers of tobacco ſhall neglect to give in ſuch account as aforeſaid, at the time, and

When an importer ſells tobacco, the ſame regulations with reſpect to delivery of accounts thereof to be obſerved as on exportation, under the ſame penalties.

and in ſuch manner and form, in all reſpects, to all intents and purpoſes, as herein-before directed and required, or in caſe ſuch account ſhall, at the time the ſame is given in, or at any time afterwards, appear to be falſe or fraudulent, in any reſpect whatſoever, he, ſhe, or they, knowingly offending in any or either of the caſes aforeſaid, ſhall forfeit and loſe the ſum of thirty pounds for every hogſhead or other package of tobacco, an account of which is omitted to be given as before directed, or of which a wrong account ſhall be knowingly given; and the perſon or perſons to whom or to whoſe order ſuch tobacco ſhall have been ſold or delivered, neglecting, by him, her, or themſelves, or his, her, or their known ſervant or agent, to ſign ſuch account as aforeſaid, or knowingly ſigning any fraudulent account, ſhall alſo forfeit and loſe the ſum of thirty pounds for every ſuch hogſhead, caſk, cheſt, or caſe of tobacco, of which no account, or for which a fraudulent account, is knowingly given.

Second purchaſer of unmanufactured tobacco in hogſheads entitled to the ſame certificates on removal as the firſt purchaſer.

XXXV. And be it further enacted, That the ſecond purchaſer of any entire hogſhead of unmanufactured tobacco ſhall and may be entitled to the benefit of a certificate on the removal of any ſuch tobacco, or of any ſtalks ſhipped, or any ſnuff or manufactured tobacco made therefrom, by land or by water, in like manner as certificates by this act are directed to be granted to the firſt purchaſer from the importer; and that in all ſuch certificates, ſo to be granted to ſuch ſecond purchaſer of any entire hogſhead or hogſheads of ſuch tobacco, the name of the importer or importers, ſeller or ſellers thereof, may be omitted; provided that the ſeller to ſuch ſecond purchaſer ſhall have delivered to the collector or other chief officer of the port where ſuch tobacco ſhall have been imported, ſuch and the like account as the importer or importers thereof are by this act required to give.

Manufactured tobacco above ſix pounds weight, removed without certificate of the duties having been paid, is forfeited.

XXXVI. And be it further enacted, That no manufactured tobacco, or tobacco ſtalks, exceeding ſix pounds weight, or ſnuff, exceeding ſix pounds weight, ſhall, in any form or manner whatſoever, be removed, carried, or conveyed, by land, or by water, from any port or place whatſoever in *Great Britain*, to any other port or place in *Great Britain*, or from any place whatſoever within the ſame port or place, to any other place within the ſame, unleſs in the manner herein-after mentioned; (that is to ſay), if it be tobacco ſtalks, or ſnuff, or other manufactured tobacco, which is to be carried by land or by water as aforeſaid, the ſame ſhall not be removed, carried, or conveyed, without a certificate or certificates, and oath of the importer (in caſe the importer applies for the ſame) being firſt had and obtained as aforeſaid, that ſuch ſtalks were ſtripped or ſeparated from, or ſuch ſnuff or other manufactured tobacco was made from, one or more hogſhead or hogſheads of tobacco for which the duties were by him paid; and in caſe the perſon applying for ſuch certificate or certificates be a purchaſer, ſuch purchaſer ſhall make oath that ſuch ſtalks were ſtripped or ſeparated,

rated, or such snuff, or other manufactured tobacco, was made, from one or more hogshead or hogsheads of tobacco which had been delivered and received according to the directions of this act (which said several certificates such officer and officers are hereby required and directed to grant, and, after writing the same off their books, to deliver to all and every person or persons who shall apply to him or them for the same, without any fee or reward whatsoever for such certificates or oaths, on pain of forfeiting the sum of ten pounds for every such offence) upon forfeiture of all such tobacco, tobacco stalks, and snuff, together with the cask and package containing the same.

Before tobacco is removed, the weight, etc. of each package is to be written on the back of the certificate, and signed by the proprietor.

XXXVII. And be it further enacted, That before any such tobacco, tobacco stalks, or snuff, for which such respective certificate is so respectively granted, shall be removed or carried, by land or by water, as aforesaid, the proprietor, factor, or agent thereof, shall describe and insert, on the back of such certificate or certificates, in a fair and legible manner, the names of each particular package in which such goods are contained, together with the particular marks and numbers set on each package, and also the true and exact weight of each particular species of goods contained in each particular package, and the place from whence the same are to be delivered, and to which they are to be carried and conveyed, and by whom, and the name of the person to whom the goods are consigned; and such proprietor, factor, or agent, shall subscribe his, her, or their name or names, and make oath to the truth thereof; and the certificate or certificates so granted, if going by land, shall express the number of days they shall respectively continue in force, and shall accompany the goods to such place to which they are to be carried and conveyed; and upon its coming to such place, the person or persons receiving the same, or to whom the goods belong, shall cause such certificate or certificates to be delivered to the chief officer of the customs, if any such there be, and in case there be no officer of the customs, then to the officer of the excise of the division within which such goods are carried and conveyed; and such respective officer is hereby directed to examine the same with the goods, and if they agree therewith, the goods may be taken away, and disposed of, by the person or persons to whom of right they belong or appertain, and such officer is thereupon to enter such certificate or certificates distinctly, in a book to be kept by him for that purpose; and the officer of the customs or excise receiving such certificate or certificates shall, from time to time, transmit the same to the officer now appointed, or the officer or officers hereafter to be appointed, by the high treasurer, or commissioners of the treasury, for keeping such accounts.

Certificate to express the number of days it is to continue in force, and to be delivered to the officer of the customs on the arrival of the goods at their intended place, etc.

XXXVIII. And be it further enacted, That no unmanufactured tobacco, or manufactured tobacco, tobacco stalks, or snuff, which shall have been removed, carried, or conveyed, either by land or by water, from any port or place in *Great Britain* to any other port or place whatsoever in *Great Britain*, or

No tobacco shall be again removed without certificate of its having been

legally received at the former place of removal.

or which shall have been removed, carried, or conveyed from any one place within any one port or place, to any other place within the same port or place, shall be afterwards removed, carried, or conveyed, either by land or by water, to any other port or place whatsoever within *Great Britain*, without a certificate or certificates being first had and obtained from the collector and comptroller, or other chief officer or officers of the customs, at the port or place from whence such goods are intended to be removed, but if there is not any officer of the customs resident at such place, then from the officer of excise for the division with whom the former certificate or certificates was or were entered, that it appears to them, by the entries of the certificate or certificates in their books, upon the former removal, that such tobacco, tobacco stalks, or snuff, had been received by legal certificate, and also that the person or persons who shall apply to him or them for such certificate or certificates, had made oath to the truth thereof; and, before such certificate or certificates shall be granted, the proprietor of such tobacco, or the factor or agent applying for the same, shall describe and insert, on the back of such certificate or certificates respectively, in a fair and legible manner, the names of each particular package in which such goods are contained, together with the particular marks and numbers set on each package, and also the true and exact weight of tobacco contained in each particular package, and the place from whence the same are to be delivered, and to which, and by what carriage, they are to be carried and conveyed, and by whom, and the name of the person or persons to whom, the goods are consigned, to which such proprietor, factor, or agent, shall subscribe his, her, or their name or names, and make oath to the truth thereof; which several and respective oaths herein-before directed, the collector or comptroller, or other principal officer of the customs, or the officer of excise, granting such respective certificate or certificates, is and are hereby authorised and impowered to administer; and the certificate or certificates so respectively granted, if going by land, shall express the number of days it or they shall continue in force; and the officer or officers granting such certificate or certificates, after writing the same off their books, in a book to be kept by him or them for that purpose, are hereby directed to deliver such certificate or certificates to the person or persons who shall apply to them for the same, without any fee or reward whatsoever for such certificate or certificates, or for administering the oaths hereby required, on pain of forfeiting twenty pounds for every such offence, and to transmit a duplicate of such certificate or certificates to the said officer now appointed, or the officer or officers hereafter to be appointed by the high treasurer, or commissioners of the treasury, for keeping such accounts; and the said certificate or certificates so granted, shall accompany such tobacco to the place where, and be delivered to the persons to whom, such tobacco shall be consigned, who, upon receiving the same, shall cause such certificate or certificates to be delivered to the chief officer of

Persons applying for certificates to describe on the back, and make oath of the truth thereof, the particulars, and weight, &c.

Certificate to express the number of days it is to continue in force, and to be delivered without fee, &c.

Certificates to be delivered to the proper officer on the arrival of the goods at their intended place, &c.

of the customs, if any such there be, and in case there be no officer of the customs, then to the officer of excise of the division within which such goods are carried and conveyed; and such officer is hereby directed to examine the same with the goods, and if they agree therewith the goods may be taken away and disposed of by the person or persons to whom of right they belong; and which officer is thereupon to enter such certificate or certificates distinctly, in a book to be kept by him for that purpose, and transmit the original certificate or certificates to the said officer now appointed, or to the officer or officers hereafter to be appointed, by the high treasurer, or commissioners of the treasury, for keeping such accounts.

Penalties on removing tobacco above six pounds weight without certificate, and on counterfeiting or altering certificates.

XXXIX. And be it further enacted, That if any tobacco or tobacco stalks, exceeding six pounds weight, or any snuff, exceeding six pounds weight, shall be found removing, either by land or by water, without having one or other of the certificates herein before directed, all such tobacco, tobacco stalks, and snuff, and the casks, chests, cases, or other package containing the same, together with the horses, cattle, carts, waggons, and all other carriages whatsoever, employed or in anywise made use of in the removing, carriage, or conveyance of such tobacco, tobacco stalks, or snuff, or any or either of them, shall be forfeited and lost, and the carrier or other person employed or intrusted in the removing, carrying, or conveying such goods, or any or either of them, shall, besides the loss of the cattle and carriages, be committed to the county gaol for the space of one month, by any justice of the peace for the county where the offence is committed, or the offender shall be found; and if any person or persons whatsoever shall counterfeit, erase, or in anywise alter any such certificate or certificates, or duplicate or duplicates, as herein-before is mentioned and described, or shall cause or procure the same, or any or either of them, to be counterfeited, forged, erased, or altered, in any respect, he, she, or they, so offending, shall forfeit and pay the sum of one hundred pounds for every such offence.

No tobacco, &c. above six pounds weight, to be removed without being marked on the package.

XL. And be it further enacted, That no tobacco nor tobacco stalks, exceeding the quantity of six pounds weight, nor snuff, exceeding six pounds weight, shall be conveyed or carried, by land or by water, from any port or place in *Great Britain* to any other port or place in *Great Britain*, or from any place within any port in *Great Britain* to any other place within the same port, in any hogshead, cask, chest, case, or other package, unless such hogshead, cask, chest, case, or other package, be stamped or marked on the outside with the respective words *Tobacco*, *Tobacco Stalks*, or *Snuff*, in large letters, not less than three inches in length, under the penalty and forfeiture of all such tobacco, tobacco stalks, or snuff, with the package thereof, and one shilling for every pound weight thereof, to be paid by the owner of such tobacco, tobacco stalks, or snuff, unless it can be proved that the goods so removing was without his, her, or their knowledge.

XLI. And

No manufactured tobacco, &c. above ſix pounds weight, tho' in different packages, ſhall be removed at one time to the ſame perſon, or different perſons in partnerſhip, without certificate.

XLI. And be it further enacted, That no manufactured tobacco, tobacco ſtalks, or ſnuff, exceeding the quantity of ſix pounds weight in the whole, although in different packages, ſhall be removed, carried, or conveyed, either by land or by water, at one and the ſame time, by one and the ſame carriage or conveyance, and directed to one and the ſame perſon, or to different perſons in one and the ſame partnerſhip in trade, without a certificate, as is herein-before directed, being firſt had and obtained from the collector and comptroller, or other chief officer or officers of the cuſtoms, or the officer of exciſe (if there be not any officer of the cuſtoms there) of the port or place from whence ſuch tobacco, tobacco ſtalks, or ſnuff, ſhall be ſo removed, and to accompany the ſame to the port or place to which the ſame is to be carried or conveyed, upon forfeiture thereof.

No tobacco which has been once removed ſhall be returned back again to the ſame place without leave from the commiſſioners of the cuſtoms.

XLII. And be it further enacted, That no unmanufactured tobacco, manufactured tobacco, tobacco ſtalks, or ſnuff, which ſhall have been removed from the port or place of importation in *Great Britain*, or from any other port or place in *Great Britain*, to any other port or place in *Great Britain*, ſhall be again returned or ſent back to ſuch port or place from whence the ſame was or were before removed or ſent, upon any pretence whatſoever, without leave being firſt had and obtained for that purpoſe from the commiſſioners of his Majeſty's cuſtoms in *England*, or any four or more of them for the time being, or the commiſſioners of his Majeſty's cuſtoms, or any three or more of them for the time being, in *Scotland*, and for which a ſpecial certificate ſhall be granted to accompany the ſame, in ſuch manner and form as the ſaid commiſſioners reſpectively ſhall think proper, upon forfeiture thereof, together with the horſes, cattle, carriages, and boats made uſe of in the removing, carriage, or conveyance of the ſame.

Tobacco conveying to and from ſnuff mills without a certificate to be forfeited, and the owner and remover thereof liable to penalties.

XLIII. And be it further enacted, That where any tobacco is intended to be carried or conveyed from the port or place of importation, or other place, to the mills of any manufacturer of tobacco, for the purpoſe of grinding the ſame into ſnuff, the ſaid commiſſioners of his Majeſty's cuſtoms in *England*, or any four or more of them, or the commiſſioners of his Majeſty's cuſtoms, or any three or more of them, in *Scotland*, for the time being, reſpectively, are hereby authoriſed and required to direct proper ſufferances or certificates to be granted to accompany ſuch tobacco to ſuch mills, in order to be manufactured, and after it has been ſo manufactured, other ſuch like ſufferances or certificates, to accompany the ſame from ſuch mills to the houſe of ſuch manufacturer, from whence the ſame had been ſo ſent, for the purpoſe of being ſo manufactured; and if any tobacco or ſnuff manufactured therefrom ſhall be found removing as aforeſaid, without ſuch ſufferance or certificate as aforeſaid, the ſame ſhall be forfeited, together with the horſes, cattle, and carriages, made uſe of in the removing, carriage, or conveyance of the ſame, and the perſon or perſons to whom ſuch

such tobacco, or snuff manufactured therefrom, shall belong, shall forfeit and lose twenty shillings for every pound weight of tobacco or snuff, and the person employed in the removal, carriage, or conveyance of the same, shall also forfeit and lose the sum of five shillings for every pound weight of such tobacco or snuff; unless it can be proved that the tobacco or snuff so removing was without his, her, or their knowledge.

Decrease of weight of tobacco from lying in warehouses, to be allowed in the discharge of bonds.

XLIV. And be it further enacted, That the bond or bonds so given as aforesaid, for securing the duties upon any quantity of tobacco so imported or brought into *Great Britain* as aforesaid, shall be discharged and cancelled by the debenture or debentures respectively made out and passed in the usual way, for the net quantity or quantities of tobacco, taken at the weighing thereof as aforesaid for exportation, and upon the delivery of such tobacco for home trade as aforesaid; and when the whole of the tobacco to which such respective bond or bonds shall apply and respectively refer shall appear to have been so exported and delivered for home trade as aforesaid, and it shall also appear that there is a difference between the weights of such tobacco, taken as aforesaid at the importation, and the weights taken at the delivery thereof as aforesaid, for home trade and for exportation, jointly or severally, by a decrease in weight, arising from shrinkage by lying in the warehouse, it shall and may be lawful for the officer or officers of the customs for the respective warehouse or warehouses from which such tobacco shall have been so delivered as aforesaid to certify the same, and he or they is and are hereby directed and required to grant the same, and such certificate shall go in discharge of such bond or bonds so given as aforesaid.

Security to be given that manufactured tobacco shipped for exportation shall not be relanded in Great Britain or the Isle of Man.

XLV. And be it further enacted, That at or before the shipping for exportation of any manufactured tobacco, the exporter or exporters, with one or more person or persons, of which the master, or other person having the charge or command of the ship or vessel in which such tobacco is intended to be exported, shall be one, shall give security to the customer, collector, or chief officer of the customs of the port where the warehouse or warehouses out of which such tobacco is to be exported is or are situate, in the penalty of double the value of the said tobacco, (which security the said customer, collector, or other chief officer, is hereby directed and impowered to take in the name of, and for the use of his Majesty, his heirs and successors), that such tobacco so shipped, or any part thereof, shall not be relanded or brought on shore again in any port or place of *Great Britain*, or the *Isle of Man*; and such security shall be discharged in the manner herein-after mentioned; (that is to say), For such of the said goods as shall be entered for, or landed in the kingdom of *Ireland*, the islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, the condition of the bond shall be, to bring in a certificate in discharge thereof within six months from the date of the bond; and within eighteen months for such of the said goods as shall be entered for and landed in any of his

Regulations for discharging such security.

his Majesty's colonies, plantations, islands, or territories in *America* or *Africa*; and within thirty months for such of the said goods as shall be entered for, and landed in any port or place at or beyond the *Cape of Good Hope*; which said certificate for such tobacco as aforesaid as shall be landed in any part or place where any officer or officers of his Majesty's customs shall be resident, shall be signed by the proper officer or officers of his Majesty's customs there, importing that such tobacco was there landed, testifying the landing thereof; and for such tobacco as aforesaid as shall be entered for the islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, shall be signed by the proper officer or officers of his Majesty's customs, if any such officer or officers shall be residing in these islands respectively, and for want of such officers residing there, then by the governor of these islands, or the deputy governor thereof respectively; and for such tobacco as aforesaid as shall be entered for any other foreign port or place, to bring a certificate under a common seal of the chief magistrate of such port or place, or under the hands and seals of two known *British* merchants, then being at such port or place, that such tobacco was there landed; or such bond or bonds shall be discharged, upon proof, in any or either of the said cases, that such goods were taken by enemies, or perished in the sea, the examination and proof thereof being left to the judgement of the commissioners of the customs in *England* or *Scotland* for the time being, respectively: provided always, That in case any tobacco so put into the said warehouse or warehouses as aforesaid shall be burnt or destroyed by fire, during the time it shall remain in such warehouse or warehouses, the respective bond or bonds which shall have been given for security of the duties thereon, shall be discharged for so much tobacco as shall have been so burnt or destroyed.

Tobacco destroyed by fire in a warehouse, to be allowed in discharge of bonds.

Documents required by this act, and 24 Geo. 2. c. 41. relative to importation of tobacco, to be transmitted to such person as shall be appointed by the treasury, who is to conform to the regulations of former act.

XLVI. And be it further enacted, That one of the books of the landing waiters so appointed to the delivery of every ship or vessel so importing tobacco as aforesaid, under this act, and every other document and documents in relation to tobacco so imported, as is now required by an act passed in the twenty-fourth year of the reign of his late majesty King *George* the Second, intituled, *An act for the more effectual securing the duties upon tobacco*, to be transmitted or delivered to such person as should be deputed and appointed by the high treasurer, or commissioners of the treasury for the time being, to receive the same, (on the importation of tobacco imported under the regulation of that act), shall, and are hereby directed to be transmitted or delivered to such person who now is deputed and appointed for the purpose of that act, or such other person or persons as shall hereafter be appointed to execute such office; and such person so deputed, or such person or persons so to be deputed and appointed as aforesaid, shall do and perform every act and thing, in every respect whatsoever, in regard to any tobacco so imported into *Great Britain* as aforesaid under this present act, as was done and performed by such person under the authority of the said

said act so passed in the twenty-fourth year of the reign of his late majesty King *George* the Second, intituled as aforesaid; and further, such said person so deputed and appointed, or such person or persons to be so deputed and appointed as aforesaid, by the high treasurer, or commissioners of the treasury for the time being, shall be furnished with all and every document and documents from all and every proper officer and officers of the customs who shall be possessed of the same, to enable such person or persons to be a competent cheque upon the tobacco so imported as aforesaid being delivered for exportation out of any of the respective warehouses aforesaid, or delivered for home trade as aforesaid, out of such respective warehouses.

Officers suspecting tobacco to be shipped for exportation (to Ireland excepted) in vessels of less burthen than 70 tons, may detain them till they are admeasured, agreeably to 13 Geo. 3. c. 74.

XLVII. And be it further enacted, That no tobacco, either manufactured or unmanufactured, shall be entered or shipped for exportation to any parts beyond the seas (*Ireland* only excepted) in any ship or vessel whatsoever, unless such ship or vessel shall be of the burthen of seventy tons, or upwards; and if any officer or officers of the customs shall apprehend, or have reason to believe, that any such ship or vessel bound to foreign parts, and having tobacco on board her, shall not be of the burthen of seventy tons, or upwards, it shall and may be lawful for such officer or officers to stop and detain such ship or vessel, and the whole cargo laden on board her of tobacco, and all other goods, until he or they shall cause such ship or vessel to be admeasured according to the admeasurement prescribed by an act passed in the thirteenth year of the reign of his present Majesty, intituled, *An act for the better ascertaining the tonnage and burthen of ships and vessels importing and exporting goods into and from this kingdom, or hovering upon the coasts thereof; for amending so much of an act, made in the last session of parliament, for lowering the duty payable upon the importation of oak bark, as relates to the suing for the penalties and forfeitures thereby inflicted in the court of exchequer in* Scotland; *for appropriating the duty on oak bark, granted by the said act; and for obviating doubts which have arisen with respect to the allowing the drawback upon certain calicoes; and the bounty upon* British-*made cordage exported to the islands of* Madeira, *the* Canary Islands, *and the* Azores *or* Western Islands; and if it shall appear by such admeasurement that any such ship or vessel is of the burthen of seventy tons, or upwards, the officer or officers so stopping and detaining her and her cargo shall not be subject or liable to any action for damages occasioned by such stoppage and detention; and if the master or commander of any ship or vessel outward bound to foreign parts, having tobacco on board her, shall enter and clear out such ship or vessel in the collector's book at the custom-house, as of the burthen of seventy tons, or upwards, and such ship or vessel shall not be of so great burthen, according to the admeasurement prescribed by the said act, he shall forfeit and lose the sum of one hundred pounds for every such offence.

Penalty on entering vessels of greater burthen than they are.

XLVIII. And be it further enacted, That where any ship or vessel whatsoever, under the burthen of seventy tons, coming or

Tobacco of more than 100 pounds

weight on board any veſſel under 70 tons found hovering or at anchor within certain limits, to be forfeited.

or arriving from foreign parts, or having cleared outwards in *Great Britain* for foreign parts, and having on board one hundred pounds weight of tobacco, or any tobacco ſtalks or ſtems ſtripped from the leaf, ſhall be found at anchor, or hovering within the limits of any of the ports of this kingdom, or within four leagues of the coaſts thereof, or ſhall be diſcovered to have been within the ſaid limits or diſtance, and not proceeding on her voyage, wind and weather permitting (unleſs in caſe of unavoidable neceſſity and diſtreſs of weather, of which neceſſity and diſtreſs the maſter, or other perſon having or taking the charge or command of ſuch ſhip or veſſel, ſhall give notice, and make proof before the collector, or other chief officer of the cuſtoms, of any port within the limits of which ſuch ſhip or veſſel ſhall be found, immediately after the arrival of ſuch ſhip or veſſel within the limits of ſuch port) all ſuch tobacco and tobacco ſtalks, or ſtems ſtripped from the leaf, together with the hogſheads, bags, boxes, caſks, cheſts, caſes, or other packages whatſoever containing the ſame, or the value thereof, ſhall be forfeited and loſt (whether bulk ſhall then have been broken, or not) and the maſter, or other perſon having or taking the charge or command of every ſuch ſhip or veſſel, ſhall forfeit and loſe the ſum of one hundred pounds; and if any ſhip or veſſel whatſoever, of the burthen of ſeventy tons or upwards, having ſuch goods on board as aforeſaid, either homeward bound or outward bound, ſhall be found at anchor, or hovering as aforeſaid, or ſhall be diſcovered not to be proceeding on her voyage, wind and weather permitting, and not any diſtreſs ſhall happen as aforeſaid, and notice thereof be given as aforeſaid, the maſter, or other perſon having or taking the charge or command of every ſuch ſhip or veſſel, ſhall forfeit and loſe the ſum of one hundred pounds.

Maſters of veſſels found hovering or at anchor in certain limits forfeit 100l.

Bonds deemed to be due on the day mentioned in their conditions, and intereſt to be paid agreeable to 4 Anne, c. 6.

XLIX. And be it further enacted by the authority aforeſaid, That all bonds which ſhall be given for the ſeveral and reſpective duties on tobacco by virtue and in purſuance of this act, ſhall be deemed and taken to be due and payable immediately upon the day mentioned in the condition of the ſaid reſpective bond or bonds for the payment thereof; and that ſuch intereſt ſhall be paid to the crown on all ſuch bonds as are directed by an act of parliament, made in the fourth year of the reign of her late majeſty Queen *Anne*, intituled, *An act for continuing an additional ſubſidy of tonnage and poundage, and certain duties upon coals, culm, and cinders, and additional duties of exciſe; and for ſettling and eſtabliſhing a fund thereby, and by other ways and means, for payment of annuities, to be ſold for raiſing a further ſupply to her Majeſty, for the ſervice of the year one thouſand ſeven hundred and ſix, and other uſes therein mentioned*; which intereſt ſhall be computed from the day the bond or bonds ſhall reſpectively become due, to the day whereon it or they ſhall be paid off in money, or the day the ſearcher certifies upon the debenture that the tobacco was ſhipped for exportation, notwithſtanding ſuch tobacco doth or ſhall remain unexported; and no ſuch ſecurity

ſhall

ſhall hereafter be vacated, until all ſuch intereſt ſhall be paid thereon; any law, cuſtom, or uſage to the contrary notwithſtanding.

Penalty on erafing marks on packages.

L. And be it further enacted, That if any perſon or perſons whatſoever ſhall, at any time or times hereafter, in order to defeat any of the purpoſes or intents of this act, eraſe, cut out, burn out, blot out, or in anywiſe whatſoever alter, change, or deface any mark or number, or marks or numbers, which was or were burnt in or ſet upon any hogſhead, caſk, cheſt, or caſe whatſoever, of tobacco, in his ſaid Majeſty's colonies, plantations, iſlands, or territories in *America*, or in the United States of *America*, or which ſhall be ſet, ſtamped, or affixed thereon in *Great Britain* upon the importation or landing thereof, or which was or were ſet or ſtamped, or affixed thereon in *Great Britain*, upon the exportation thereof from thence to foreign parts, he, ſhe, or they ſo offending ſhall forfeit and loſe the ſum of twenty pounds for each and every hogſhead, caſk, cheſt, or caſe whatſoever, of tobacco, the mark whereof ſhall be ſo altered or defaced as aforeſaid.

Proprietors to be at the expence and riſque of mooring veſſels.

LI. And be it further enacted, That the ſeveral and reſpective proprietors of the ſhips and veſſels which ſhall be ſo reſpectively moored at the places aforeſaid, ſhall ſo moor, or cauſe the ſame to be ſo moored, at their ſole expence and riſque; and they, and the proprietors of the cargoes on board ſuch ſhips reſpectively, and not the crown, ſhall take the riſque of, and bear every damage that may happen reſpectively to ſuch ſhips and their cargoes, while they ſhall remain at ſuch mooring places.

All expences of unſhipping and of conveying to and from warehouſes to be borne by the proprietors, except the expences of revenue officers.

LII. And be it further enacted, That the merchants, and not the crown, ſhall reſpectively bear all the charges and expences incurred in any way, by unſhipping, bringing, carrying, or conveying any tobacco as aforeſaid from the ſeveral and reſpective ſhips ſo importing the ſame, to the ſeveral and reſpective places of landing, and from thence to the reſpective warehouſes as aforeſaid, in which the ſame tobacco is to be ſo depoſited as aforeſaid, or in the bringing, carrying, or conveying the tobacco from ſuch reſpective warehouſes to and on board the ſeveral and reſpective ſhips, in which the ſame is or are to be reſpectively exported to foreign parts, ſave and except the charges and expences of paying the revenue officers, under whoſe eſpecial care the ſaid tobacco ſhall be ſo reſpectively conveyed, either from the ſhip to the warehouſe, on importation, or from the warehouſe to the ſhip, when for exportation; any law, cuſtom, or uſage, to the contrary notwithſtanding.

Expences of ſtripping hogſheads from the tobacco to be borne by the proprietor.

LIII. And be it further enacted, That the reſpective proprietors of the tobacco, ſo to be brought as aforeſaid to the reſpective warehouſes before mentioned, ſhall be at the ſole expence of ſtripping or taking the hogſheads in which the tobacco ſhall be ſo imported as aforeſaid from the tobacco, before the ſame ſhall be ſo weighed as aforeſaid.

If bonds are not duly discharged, the tobacco may be sold for payment.

LIV. And be it further enacted, That if the importer or importers, proprietor or proprietors, consignee or consignees, of such tobacco as shall be deposited in such warehouses as aforesaid, and for which bond or bonds shall have been given for the payment of the duties as aforesaid within eighteen months, shall not, at or before the expiration of such eighteen months, forthwith, either by debenture or debentures on exportation of such tobacco, or by payment of the several duties for which his or their bond or bonds hath or have been respectively given as aforesaid, discharge his or their obligation or obligations, or any part thereof, but that the tobacco, or any part thereof, shall continue and be still remaining in the said warehouses for want of the payment of the duties due thereon, in such case it shall be lawful for the said commissioners, or principal officers of the customs for the time being, and who are hereby required and impowered so to do, to cause the said tobacco so remaining to be publickly sold by inch of candle, first giving the proprietor or proprietors fourteen days notice, or leaving the same in writing at the place of his or their last abode; the product thereof, after such sale, first to be applied towards payment of the customs and duties, and charges that have been expended thereon, and the overplus (if any) to be rendered and paid to the proprietor, or other person lawfully authorised to receive the same.

Penalties and forfeitures how to be recovered and applied.

LV. And be it further enacted, That all the goods, vessels, boats, horses, cattle, carts, waggons, and other carriages and things forfeited by this act, shall and may be seized and prosecuted by any officer or officers of his Majesty's customs, and that all the penalties and fines inflicted by this act shall and may be prosecuted and sued for, and the causes and controversies tried, heard, and determined in any of his Majesty's courts of record at *Westminster* (if the offence shall be committed in *England*, or if the offender or offenders be in *England* at the time of commencing the prosecution), or in the court of exchequer at *Edinburgh* (if the offence shall be committed in *Scotland*, or if the offender or offenders be in *Scotland* at the time of commencing the prosecution), at the election of the commissioners of his Majesty's customs in that part of the united kingdom where the offence or offences shall be committed, wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed; and such penalties, or the sums recovered, shall be paid and applied in the following manner; (that is to say,) if such prosecution shall be carried on at the expence of the officer, then one moiety of whatever penalty shall be recovered, either upon a judgement obtained on such prosecution, or upon a composition made thereon, shall be to the use of his Majesty, his heirs and successors, and the other moiety to such officer; if such prosecution shall be carried on under the regulation made by the lords commissioners of his Majesty's treasury, by their warrant, dated the twenty-seventh day of *July*, one thousand seven hundred and thirty-six, then such officer shall be entitled to

to and paid one third of such penalty or composition; and if such prosecution shall be carried on at the expence of the crown, then such officer shall be entitled to and paid one sixth of such penalty or composition; any law, custom, or usage, to the contrary notwithstanding.

Where seizures and forfeitures are to be tried, and how to be applied.

LVI. And be it further enacted, That all seizures made, and forfeitures inflicted by this act, shall and may in like manner be prosecuted, tried, heard, and determined in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer at *Edinburgh*, respectively; and one moiety of the net produce of such seizures and forfeitures, after deducting the charges of condemnation and sale from the whole, shall be to the use of his Majesty, his heirs and successors, and the other moiety to the officer or officers who shall inform, prosecute, or sue for the same, provided the requisitions of an act made in the fifth year of the reign of his present Majesty, intituled, *An act for the better securing and further improvement of the revenues of customs, excise, inland and salt duties; and for encouraging the linen manufacture of the* Isle of Man; *and for allowing the importation of several goods, the produce and manufacture of the said island, under certain restrictions and regulations*; be complied with by such officer or officers; but if the conditions of the said recited act shall not be complied with, then such officer and officers shall, in each and every such case, in lieu and instead of such moiety, be entitled to and allowed no more than one third part of the net produce arising by the sale of such seizure: provided nevertheless, That all seizures of horses, cattle, carts, waggons, and other carriages whatsoever, for being used in the removing, carriage, or conveyance of any goods contrary to this act, shall and may be examined into, proceeded upon, heard, adjudged, and determined by and before any two of his Majesty's justices of the peace residing near to the place where such seizure shall be made, in such manner, and by such and the like rules, as the seizure of any horses, cattle, or carriages, liable to forfeiture for being used in removing, carrying, or conveying of any prohibited or run goods, may be examined into and proceeded upon, heard, adjudged, and determined, by any justice or justices of the peace, by virtue of any act of parliament in force; and such judgement which shall be given in pursuance of this act is hereby declared to be taken and adjudged good, valid, and effectual in law, and final, to all intents and purposes whatsoever, and not liable to any appeal, or any writ or writs of *certiorari*, any law, statute, or usage, to the contrary notwithstanding.

Act 5 Geo. 3. c. 43.

Condemned tobacco, etc. shall be burnt, and the officer who seized shall be paid out of the incidents, at the rate of 6d. per pound of to-

LVII. And be it further enacted, That all tobacco, tobacco stalks, and snuff, which shall be seized and condemned, shall be burnt and destroyed in the presence of the collector and comptroller of the customs for the port where such tobacco shall happen to be at the time of such condemnation, or in the presence of such officer as shall be appointed by them for that purpose; and that all rewards or allowances to which the officer or officers who shall seize and prosecute the same are entitled by law, shall

bacco or ſnuff, and 1d. per pound of tobacco ſtalks or damaged tobacco.

ſhall be paid by the receivers general of the cuſtoms at *London* or *Edinburgh* reſpectively, or by the reſpective collectors in the out ports where ſuch tobacco, tobacco ſtalks, or ſnuff was ſeized, and burnt or deſtroyed, to ſuch officer or officers, out of any of the duties or revenues ariſing from the cuſtoms applicable to incidents; (that is to ſay), If it is tobacco, or tobacco ſnuff, ſo burnt and deſtroyed, the ſame ſhall be paid at and after the rate and proportion as if the ſaid tobacco, or tobacco ſnuff, had been ſold on condemnation for ſixpence per pound; and if it is tobacco ſtalks, or damaged tobacco, then the officer ſo ſeizing ſhall have and be entitled to one penny *per* pound for every pound weight of tobacco ſtalks, or damaged tobacco, ſo condemned and burnt, in lieu of all other allowances.

Defendants may plead the general iſſue.

LVIII. And be it further enacted, That if any action or ſuit ſhall be commenced againſt any perſon or perſons for any thing done in purſuance of this act, the defendant or defendants in ſuch action or ſuit may plead the general iſſue, and give this act, and the ſpecial matter, in evidence at any trial to be had thereupon, and that the ſame was done in purſuance of, and by authority of this act: and if it ſhall appear ſo to have been done, then the jury ſhall find for the defendant or defendants; and if the plaintiff ſhall be nonſuited, or diſcontinue his action after the defendant or defendants ſhall have appeared, or if judgement ſhall be given upon any verdict or demurrer againſt the plaintiff, the defendant or defendants ſhall and may recover treble coſts, and have the like remedy for the ſame as defendants have in other caſes by law.

and recover treble coſts.

CAP. LXXXII.

An act to indemnify ſuch perſons as have omitted to qualify themſelves for offices and employments; and to indemnify juſtices of the peace, or others, who have omitted to regiſter or deliver in their qualifications within the time limited by law, and for giving further time for thoſe purpoſes; and to indemnify members and officers, in cities, corporations, and borough towns, whoſe admiſſions have been omitted to be ſtamped according to law, or, having been ſtamped, have been loſt or miſlaid; and for allowing them time to provide admiſſions duly ſtamped; to give further time to ſuch perſons as have omitted to make and file affidavits of the execution of indentures of clerks to attornies and ſolicitors; and for indemnifying perſons who have acted as truſtees of turnpike roads, in certain caſes, and declaring their proceedings valid.

Perſons who have omitted to qualify themſelves agreeable to act 1 Geo. 1. ſec. 2. c. 13. act 13 Car. 2. ſec. 2. c. 1. act 25 Car. 2. c. 2. act 30 Car. 2. ſec. 2. c. 1. act 8 Geo. 1. c. 6. act 9 Geo. 2. c. 26. act 18 Geo. 2. c 20. and act 6 Geo 3 c. 53. through ignorance of the law, abſence, or ſome unavoidable accident before the paſſing of this act; and who ſhall, on or before Dec. 25, 1785, qualify themſelves, ſhall be indemnified againſt forfeitures. But not to indemnify any perſon for any penalty incurred againſt whom final judgement hath been given. Nor to exempt juſtices acting without legal qualification. Perſons producing appointments and admiſſions to offices before Dec. 25, 1785, ſhall be confirmed, and qualified to act as clerk, officer, or member of corporations, etc. may enjoy all offices into which they have been elected; and ſhall be indemnified from all penalties and damages incurred by reaſon

of

of omissions. Not to extend to restore persons to any office avoided by judgement. Persons who shall cause affidavits of clerks articles to be filed before Michaelmas term, 1785, are indemnified and discharged from penalties. Trustees for repair of turnpike roads not duly appointed, indemnified for acting. Persons prosecuted, and hereby meant to be indemnified, may plead the general issue.

CAP. LXXXIII.

An act for further postponing the payment of the sum of two millions, advanced by the governor and company of the bank of England, towards the supply for the service of the year one thousand seven hundred and eighty-one, to the 5th of January 1787.

CAP. LXXXIV.

An act to limit the duration of polls and scrutinies, and for making other regulations touching the election of members to serve in parliament for places within England *and* Wales, *and for* Berwick upon Tweed; *and also for removing difficulties which may arise for want of returns being made of members to serve in parliament.*

Preamble.

FOR *the better regulation of polls and scrutinies*, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from after the first day of *August*, one thousand seven hundred and eighty-five, every poll which shall be demanded at any election for a member or members to serve in parliament for any county, city, borough, or other place, within *England*, *Wales*, or for the town of *Berwick upon Tweed*, shall commence on the day upon which the same shall be demanded, or upon the next day at furthest, (unless it shall happen to be a *Sunday*, and then on the day after;) and shall be duly and regularly proceeded in from day to day (*Sundays* excepted) until the same be finished, but so as that no poll for the election of any member or members to serve in parliament, shall continue more than fifteen days at most (*Sundays* excepted;) and if such poll shall continue until the fifteenth day, then the same shall be finally closed at or before the hour of three in the afternoon of the same day; and the returning officer or officers at every such election shall, immediately, or on the day next after the final close of the poll, truly, fairly, and publickly declare the name or names of the person or persons who have the majority of votes on such poll, and shall forthwith make a return of such person or persons, unless the returning officer or officers, upon a scrutiny being demanded by any candidate, or any two or more electors, shall deem it necessary to grant the same; in which case, it shall and may be lawful for him so to do, and to proceed thereupon, but so as that in all cases of a general election, every returning officer or officers having the return of a writ, shall cause a return of a member or members to be filed in the crown office on or before the day on which

From Aug. 1, 1785. every poll must commence, at the latest, the day after it is demanded, unless it be Sunday, and must not continue more than 15 days.

Return to be made at the close of the poll, or the day after, unless a scrutiny is demanded.

Regulations for making returns in case of a scrutiny.

which such writ is returnable; and every other returning officer or officers, acting under a precept or mandate, shall make a return of a member or members, in obedience to such precept or mandate, at least six days before the day of the return of the writ by virtue of which such election has been made; and so that in case of any election, upon a writ issued during a session or prorogation of parliament, and a scrutiny being granted as aforesaid, then that a return of a member or members shall be made within thirty days after the close of the poll, (or sooner, if the same can conveniently be done.)

Objections to voters to be decided alternately.

II. And be it enacted, That whenever a scrutiny shall be granted as aforesaid, and there shall be more parties than one objecting to votes on such scrutiny, the returning officer or returning officers shall decide alternately or by turns on the votes given for the different candidates who shall be parties to such scrutiny, or against whom the same shall be carried on.

Poll to be kept open seven hours daily.

III. *And, in order that electors may have full time and opportunity to poll,* be it enacted, That all and every returning officer and officers, unless prevented by any unavoidable accident, shall, during the continuance of the poll, on every day subsequent to the commencement of the same, cause the said poll to be kept open for seven hours at the least in each day, between the hours of eight in the morning and eight at night.

Within two days after receipt of the writ, proclamation to be made of the election which must begin between the 10th and 16th day after proclamation.

IV. *And whereas inconveniencies may arise from the time allowed by the laws now in being for proceeding to an election of a knight or knights to serve in parliament, for any county or shire in* England *or* Wales; be it enacted, That, immediately after the receipt of the writ for making any such election, and indorsing on the back thereof the day of receiving the same, as by law required, it shall and may be lawful for the sheriff of such county or shire, and he is hereby required, within two days after the receipt thereof, to cause proclamation to be made at the place where the ensuing election ought by law to be holden, of a special county court to be there holden for the purpose of such election only, on any day, *Sunday* excepted, not later from the day of making such proclamation than the sixteenth day, nor sooner than the tenth day; and that he shall proceed in such election, at such special county court, in the same manner as if the said election was to be held at a county court, or at an adjourned county court, according to the laws now in being: provided always, That the usual county court for all other purposes, or any adjournment made thereof, shall take place, be held, and proceeded in, by the sheriff, or his deputy, and may from time to time be further adjourned and proceeded in, in such and the same manner, and at the same times and places, as if the writ for the election of a knight or knights of the shire had not been received.

V. *And whereas, although from the various and disputed rights of voting in several cities, boroughs, and other places, a positive oath of qualification cannot be required from the electors, yet it is apprehended that unqualified persons may be deterred from polling at such elections,*

elections, under fictitious names or otherwise, by requiring from electors previously to their polling, the oath or affirmation herein-after mentioned; be it therefore further enacted, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, upon every election to be made, within that part of *Great Britain* called *England* or *Wales*, or town of *Berwick upon Tweed*, of any member or members to serve in parliament, in all cases where no oath or affirmation of qualification, other than the oaths or affirmations against bribery, or of allegiance, supremacy, and abjuration, can now by law be required, every person claiming to give his vote at the said election, shall, (if required by any candidate, or any person having a right to vote at such election), before he is admitted to poll, take the oath (or, being one of the people called *Quakers*, make the solemn affirmation) following; (that is to say),

An oath to be taken previous to polling.

I DO *swear*, (or, being a Quaker, *do affirm*), *That my name is* A. B. *and that I am* [specifying the addition; profession, or trade of such person,] *and that the place of my abode is at in the county of* [and if it is a town consisting of more streets than one, specifying what street]; *and that I have not before polled at this election; and that I verily believe myself to be of the full age of twenty-one years.*

The oath.

which oath, or solemn affirmation, the returning officer or officers at such election, and his or their deputies and poll clerks, is or are hereby authorised and required to administer.

VI. And be it further enacted, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, upon every election of any member or members to serve in parliament for any county, city, borough, or place, within *England* or *Wales*, or for *Berwick upon Tweed*, it shall and may be lawful for the returning officer or officers, if he or they see cause, and he and they are in such case authorised, during the continuance of any scrutiny which shall have been granted as aforesaid, to administer an oath to any person whatsoever consenting to take the same, touching the right of any person having voted at such election, or touching any other matter or thing material or necessary towards carrying on such scrutiny.

Returning officers authorised to administer oaths during a scrutiny.

VII. *And whereas it is expedient that all persons employed as poll clerks at elections, should take an oath for the faithful discharge of their office, but the same is not at present required or authorised by law, except in counties and other places for which there are express provisions made by statute*; be it therefore further enacted, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, at every election of any member or members of parliament for any city, borough, or other place, within *England* or *Wales*, or town of *Berwick upon Tweed*, every person whom the returning officer or officers shall retain to act as a clerk in taking the poll shall, before beginning to take such poll, be

Poll clerks to take an oath for the faithful discharge of their duty.

be ſworn by ſuch returning officer or officers truly and indifferently to take the ſaid poll, and to ſet down the name of each voter, and his addition, profeſſion, or trade, and the place of his abode, and for whom he ſhall poll; and to poll no perſon who is not ſworn or put to his affirmation, whereby this, or any other ſtatute, any oath or affirmation now is, or hereafter ſhall be required, which oath of every ſuch poll clerk the ſaid returning officer or officers is or are hereby authoriſed and required to adminiſter.

Perſons taking, or ſuborning others to take, a falſe oath, liable to the pains inflicted by 5 Eliz. c. 9. and 2 Geo. 2. c. 25.

VIII. And be it further enacted, That if any perſon, in taking any oath or affirmation herein-before appointed or authoriſed to be taken before any returning officer or officers, ſhall thereby commit wilful perjury, and be thereof convicted; or if any perſon ſhall unlawfully and corruptly procure or ſuborn any other perſon to take any ſuch oath or affirmation, whereby he or ſhe ſhall commit ſuch wilful perjury, and ſhall be thereof convicted, he or ſhe ſo offending ſhall incur ſuch pains and penalties as are inflicted in and by two acts of parliament, the one made in the fifth year of the reign, of the late Queen *Elizabeth*, (intituled, *An act for puniſhment of ſuch perſon as ſhall procure or commit any wilful perjury*); the other made in the ſecond year of his late majeſty King *George* the Second, (intituled, *An act for the more effectual preventing, and further puniſhment of forgery, perjury, and ſubornation of perjury; and to make it felony to ſteal bonds, notes, or other ſecurities for payment of money*), for any perjury or ſubornation of perjury, contrary to the ſaid acts.

Not to extend to places where particular regulations have been enacted by ſtatute.

IX. Provided always, and be it enacted, That nothing in this act before contained ſhall extend to or in anywiſe affect, alter, or regulate the mode or time of proceeding at any election of any member or members for any place where particular regulations, touching the duration of polls and ſcrutinies, are ſpecially enacted by ſtatute, but that every ſuch election ſhall be begun and carried on in the ſame manner as if this act had not been made.

Where returns have not been duly made, a ſelect committee may be appointed, conformable to 10 Geo. 3. c. 16. and 11 Geo. 3. c. 42.

X. *And whereas an act was paſſed in the tenth year of his preſent Majeſty's reign*, (*intituled*, An act to regulate the trials of controverted elections, or returns of members to ſerve in parliament); *and another act was paſſed in the eleventh year of his ſaid Majeſty's reign, for explaining and amending the ſaid former act: and whereas no proviſion is made therein for the hearing and determining any petition, unleſs the ſame ſhall complain of an undue election or return of members to ſerve in parliament*; be it therefore enacted, That, from and after the firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, if upon any writ or writs to be iſſued for the election of any member or members to ſerve in parliament, no return ſhall be made to the ſame on or before the day on which ſuch writ is made returnable; or if a writ ſhall have been iſſued during any ſeſſion or prorogation of parliament, and no return ſhall be made to the ſame within fifty-two days after the day on which ſuch writ bears date; or if the return made in either of ſuch caſes ſhall not be a return of a member or members,

bers, according to the requisition thereof, but contain special matters only concerning such election; it shall and may be lawful for any person or persons, having had, or claiming to have had, a right to vote at such election, or claiming to have had a right to be returned as duly elected thereat, who shall think himself or themselves aggrieved, to petition the house of commons concerning the same; and upon such petition being presented, a day and hour shall be appointed for taking the same into consideration, and notice thereof in writing shall be forthwith given by the speaker to the petitioners, and to the returning officer or officers by whom such return ought to have been made, or shall have been made, accompanied with an order to him or them to attend the house at the time appointed, by himself or themselves, his or their counsel or agents; and a select committee shall be appointed, according to the directions of the said two recited acts, for regulating the trial of controverted elections; which committee shall try and determine whether any, and which of the person or persons named in such petition ought to have been returned, or whether a new writ ought to issue; which determination shall be final to all intents and purposes; and the house being informed thereof by the chairman of the said select committee, shall order the same to be entered in their journals, and give the necessary directions for ordering a return to be made, or for altering the return if made, or for the issuing a new writ for a new election, or for carrying the said determination into execution, as the case may require.

Notice of the meeting of committees to be given to the petitioners and returning officers.

XI. And be it further enacted, That all and every the rules, regulations, authorities, and powers, given or prescribed by either of the said recited acts for regulating the trial of controverted elections, with respect to select committees to be appointed by virtue of the said acts, or either of them, shall be in full force and effect with respect to select committees to be appointed by virtue of this present act, in as full and ample manner as if the same were herein repeated and particularly and specially enacted concerning the same.

Regulations of 10 Geo. 3. c. 16. and 11 Geo. 3. c. 42. extended to this act.

XII. Provided always, That if the returning officer or officers, by whom such return ought to have been made, or has been made, cannot be found so as to be served with the notice or order herein-before mentioned, or being served shall not appear by himself or themselves, his or their counsel or agents, at the day or time appointed for taking such petition into consideration, it shall and may be lawful for the house to permit or authorize any person to appear in the stead of him or them; and in case there shall be more petitions than one presented, complaining of such return, or omission of a return, on distinct interests, or complaining upon different grounds, the house shall determine from the nature of the case whether the returning officer or officers, or person appearing in the stead of him or them, shall, together with such petitioners, be intitled to strike off from the list of members drawn by lot, in the manner directed by the said act, passed in the eleventh year of the reign

When returning officers cannot be found, or do not appear at committees, other persons may be appointed to appear in their stead, and when more than one petition is presented, the house to determine whether the returningofficer is to strike off

from the liſt of members drawn by lot.

of his preſent Majeſty, in the caſe where there ſhall be more than two parties before the houſe, or whether ſuch liſt ſhall be reduced by the parties ſeverally preſenting the ſaid petitions only.

Returning officers liable to proſecution for offences againſt this act.

XIII. And be it enacted, That if any ſheriff, or other returning officer or officers, who ſhall preſide at any election of a member or members to ſerve in parliament for any county, city, borough, or place, ſhall wilfully offend againſt, or act contrary to the true intent and meaning of this act, every ſuch perſon ſhall be liable to be proſecuted by information or indictment in his Majeſty's court of king's bench, or at any court of oyer and terminer, great ſeſſions, or gaol delivery, for the county, city, town, or place, where ſuch offence ſhall be committed, in which no *Nolle proſequi* or *Ceſſet proceſſus* ſhall be granted; any law, cuſtom, or uſage to the contrary notwithſtanding.

Returning officers may be ſued for neglecting to return perſons duly elected.

XIV. And be it further enacted, That if any ſheriff or returning officer ſhall wilfully delay, neglect, or refuſe duly to return any perſon who ought to be returned to ſerve in parliament for any county, city, borough, or place within *Great Britain*, every ſuch perſon may, in caſe it ſhall have been determined by a ſelect committee, appointed in the manner herein-before directed, that ſuch perſon was intitled to have been returned, ſue the ſheriff, or other officer or officers, having ſo wilfully delayed, neglected, or refuſed, duly to make ſuch return, and every or any of them, at his election, in any of his Majeſty's courts of record at *Weſtminſter*, or the court of ſeſſion in *Scotland*; and ſhall recover double the damages he ſhall ſuſtain by reaſon thereof, together with full coſts of ſuit.

Actions to be commenced within one year after the offence, or ſix months after concluſion of proceedings in the houſe.

XV. Provided always, and be it further enacted, That every indictment, information, or action, for any offence againſt this act, ſhall be found, filed, or commenced within one year after commiſſion of the fact on which ſuch indictment, information, or action ſhall be grounded, or within ſix months after the concluſion of any proceedings in the houſe of commons relating to ſuch election.

Poll may be adjourned from Winchester to Newport in the Iſle of Wight, &c.

XVI. Provided always, That, notwithſtanding any thing in this act contained, it ſhall and may be lawful for the ſheriff of the county of *Southampton*, and he is hereby required, after any poll for the ſaid county ſhall have cloſed at *Wincheſter*, and which ſhall always be cloſed within the ſpace of fifteen days at the moſt, in the manner above required, to adjourn the poll to *Newport* in the *Iſle of Wight*, in caſe the ſame ſhall be required by one or more of the candidates, ſo that every ſuch adjourned poll ſhall commence within four days from the cloſe of the poll at *Wincheſter*, and ſhall not continue longer than three days at the moſt.

CAP.

CAP. LXXXV.

An act for paving the footways in the borough of Reading, *in the county of* Berks; *for better repairing, cleansing, lighting, and watching the streets, lanes, passages, and places in the said borough; and for removing incroachments, obstructions, and annoyances therefrom, and preventing the like for the future.*

CAP. LXXXVI.

An act for better watching, lighting, and cleansing such parts of the precinct of Saint Catherine *near the tower of* London, *in the county of* Middlesex, *as are not included in the provisions of certain acts passed in the seventh and ninth years of his present Majesty's reign; and for preventing nuisances and annoyances therein.*

CAP. LXXXVII.

An act for extending the Dudley *canal to the* Birmingham *canal, at or near* Tipton Green, *in the county of* Stafford.

CAP. LXXXVIII.

An act for lighting and watching the village of Clapham, *and certain roads leading thereto, in the county of* Surrey.

CAP. LXXXIX.

An act for supplying the inhabitants of the parish of Lambeth, *and parts adjacent, in the county of* Surrey, *with water.*

CAP. XC.

An act for the better paving, cleansing, and lighting, the streets, lanes, ways, and passages, within the borough of Arundel, *in the county of* Sussex; *and for removing and preventing incroachments, obstructions, and annoyances therein.*

CAP. XCI.

An act for taking down the market house in the borough of Bridport, *in the county of* Dorset, *and rebuilding the same, together with a session or court house, in a more convenient situation; for removing the shambles, or butcher row; for better paving, cleansing, lighting, and watching the said borough; for removing and preventing nuisances and annoyances; and for prohibiting the covering of any new houses or buildings within the said borough with thatch.*

CAP. XCII.

An act for draining, preserving, and improving certain low grounds and carrs in the several parishes of Saint John in Beverley, *and of* Skidby, *in the east riding of the county of* York.

CAP. XCIII.

An act for the removal and rebuilding of the council chamber, guild-hall, and gaol, of the city of New Sarum; *and for ascertaining the tolls of the market, and regulating the chairmen within the said city.*

CAP. XCIV.

An act for repairing, new pewing, seating, and erecting galleries, and making other alterations and additions in and to the parish church of Kidderminster, *in the county of* Worcester.

CAP. XCV.

An act for rebuilding the parish church of Christ Church, *otherwise* The Holy Trinity, *within the city of* Bristol; *and for widening the streets adjacent thereto.*

CAP. XCVI.

An act for amending two acts, of the eighth and sixteenth years of his present Majesty, for opening certain passages, and for paving the streets and other places, in the parish of *Saint Leonard Shoreditch,* and such part of *Hog Lane* as lies within the liberty of *Norton Falgate,* in the county of *Middlesex,* and for preventing annoyances therein.

CAP. XCVII.

An act to enable the mayor and commonalty and citizens of the city of London *to pull down the* Poultry *and* Wood-street Compters, *and to purchase certain ground and buildings within the said city for the purpose of rebuilding the same.*

CAP. XCVIII.

An act to enable his Majesty to grant the inheritance of certain lands, tenements, and hereditaments, situate in or near North Scotland Yard, *in the county of* Middlesex, *in exchange for the inheritance of certain buildings or barracks, and land adjoining thereto, and also of certain ground contiguous to* Tinmouth Castle, *in the county of* Northumberland, *belonging to the duke of* Northumberland, *or for such further or other compensation as shall be a full consideration for the same; and also to impower the said duke to make such exchange.*

CAP. XCIX.

An act to enable the company of proprietors of the navigation from The Trent *to* The Mersey, *and the company of proprietors of the navigation from* Birmingham *to* Fazeley, *to make a navigable canal from the said* Trent *and* Mersey *navigation, on* Fradley Heath, *in the county of* Stafford, *to* Fazeley, *in the said county; and for confirming certain articles of agreement entered into between the said* Trent *and* Mersey, *the* Oxford, *and the* Coventry, *canal navigation companies.*

CAP. C.

An act for amending and improving the navigation of the river Arun, *from* Houghton Bridge, *in the parish of* Houghton, *in the county of* Sussex, *to* Pallenham Wharf, *in the parish of* Wisborough Green, *in the said county; and for continuing and extending the navigation of the said river* Arun, *from the said wharf called* Pallenham Wharf, *to a certain bridge, called* New Bridge, *situate in the parishes of* Pulborough *and* Wisborough Green, *in the said county of* Sussex.

END OF PART I. VOL. XXXV.

THE

STATUTES at Large, &c.

Anno regni GEORGII III. *Regis, Magnæ Britanniæ, Franciæ, & Hiberniæ, vicesimo sexto.*

AT *the parliament begun and holden at* Weſtminſter, *the eighteenth day of* May, *Anno Domini* 1784, *in the twenty-fourth year of the reign of our ſovereign lord* GEORGE *the Third, by the grace of God, of* Great Britain, France, *and* Ireland, *King, defender of the faith, &c. And from thence continued, by ſeveral prorogations, to the twenty-fourth day of* January, 1786; *being the third ſeſſion of the ſixteenth parliament of* Great Britain.

CAP. I.

An act for confining, for a limited time, the trade between the ports of the united ſtates of America, *and his Majeſty's ſubjects in the iſland of* Newfoundland, *to bread, flour,* Indian *corn, and live ſtock, to be imported in none but* Britiſh-*built ſhips, actually belonging to* Britiſh *ſubjects, and navigated according to law, clearing out from the ports of his Majeſty's* European *dominions, and furniſhed with a licence according to the form hereunto annexed.*

WHEREAS *it is expedient to regulate, for a limited time, the trade between the ports of the united ſtates of* America *and his Majeſty's ſubjects in the iſland of* Newfoundland: may it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the au- Preamble.

Restrictions on the importation of goods into Newfoundland.

thority of the same, That, from and after the passing of this act, and during the continuance of the same, no goods or commodities whatsoever shall be imported or brought into any port, harbour, or place, in the island of *Newfoundland*, or the adjacent islands to his Majesty belonging, from any place or country belonging to the united states of *America*, upon any pretence whatsoever, except bread, flour, *Indian* corn, and live stock, under the restrictions and regulations herein after mentioned; any law, custom, or usage, to the contrary notwithstanding.

No bread, flour, Indian corn, or live stock, to be imported into Newfoundland from the united states of America, except in licensed British-built ships, etc.

II. And it is hereby further enacted by the authority aforesaid, That, from and after the passing of this act, and during the continuance of the same, no bread, flour, *Indian* corn, or live stock, shall be brought or imported, from any place or country belonging to the said united states of *America*, into any port, harbour, or place of the said island of *Newfoundland*, or the adjacent islands to his Majesty belonging, except in *British*-built ships, which shall actually and *bona fide* belong to and be wholly owned by *British* subjects, and navigated according to law, and which shall, within the space of seven months previous to the time of such importation, have cleared out from some port in *Great Britain*, or some other part of his Majesty's dominions in *Europe*, for which purpose a licence shall have been granted by the commissioners of his Majesty's customs in *England* or *Scotland*, or the commissioners of his Majesty's revenue in *Ireland*, or any other persons who may be duly authorised in that kingdom, respectively, in the manner and form hereinafter mentioned; which licences shall continue and be in force for seven calendar months from the day of the date upon which they are respectively granted, and no longer.

Time for granting licences limited.

III. Provided always, and be it enacted, That no such licence shall be granted by virtue of this act after the thirtieth day of *June*, one thousand seven hundred and eighty-seven.

Master of vessel to deliver licence to custom house officer at port of discharge;

IV. And it is hereby further enacted by the authority aforesaid, That the master or person having the charge or command of any ship or vessel to whom such licence shall be granted shall, upon the arrival of the said ship or vessel at the port, harbour, or place in the island of *Newfoundland*, or the adjacent islands to his Majesty belonging, where she shall discharge such bread, flour, *Indian* corn, or live stock, deliver up the said licence to the collector or other proper officer of the customs there, having first endorsed upon the back of such licence the marks, numbers, and contents of each package of bread, flour, and *Indian* corn, and the description and tale of each sort and species of live stock, on forfeiture of one hundred pounds; and

who shall give a certificate thereof, etc.

the collector, or other proper officer of the customs at *Newfoundland*, is hereby enjoined and required to give a certificate to the master or person having the charge or command of such ship or vessel, of his having received the said licence so endorsed as before directed, and to transmit the same to the commissioners of his Majesty's customs in *England* or *Scotland*, or to the commissioners

missioners of his Majesty's revenue in *Ireland*, respectively, by whom such licence was granted.

V. And it is hereby further enacted by the authority aforesaid, That if any bread, flour, *Indian* corn, or live stock, shall be imported or brought from any place or country belonging to the said united states of *America*, into the said island of *Newfoundland*, or the adjacent islands to his Majesty belonging, without the licence by this act directed; or if any other goods or commodities whatsoever shall be imported or brought into the said island of *Newfoundland*, or the adjacent islands to his Majesty belonging, from any place or country belonging to the said united states of *America*, contrary to the true intent and meaning of this act, all such bread, flour, *Indian* corn, live stock, and other goods, together with the ship or vessel in which the same shall be so imported or brought, shall be forfeited, and shall and may be seized by any officer of the customs in the said island, and the same, as well as the pecuniary penalty inflicted by this act, may be sued for, prosecuted, and recovered, in any court of vice admiralty which shall have jurisdiction within the said island of *Newfoundland*; and, after deducting the charges of prosecuting the same from the gross produce thereof, the remainder shall be given, one third to his Majesty, his heirs and successors, one other third to the governor of the said island, and the other third to the officer or officers of the customs who shall seize and prosecute for the same. Goods imported contrary to this act to be forfeited. How to be divided.

VI. And it is hereby further enacted by the authority aforesaid, That this act shall continue in force from the commencement thereof until the twenty-fifth day of *March*, one thousand seven hundred and eighty-eight. Continuance of this act.

The Form of the Licence directed by this Act.

By the commissioners for managing and causing to be levied and collected his Majesty's customs, subsidies, and other duties, in [where].

WHEREAS [name of the person], *one of his Majesty's subjects residing at* [place where], *hath given notice to us the commissioners of his Majesty's* [customs in *Great Britain*, *or* revenue in *Ireland*,] *that he intends to lade at* [some port of the united states in *America*], *and import into* [some part of *Newfoundland*], *in the* [ship's name], *being a* British-*built ship*, [describing the tonnage, and what sort of vessel], *navigated according to law, whereof* [master's name] *is master, bound to* [where]; *and it appearing by the register of the said ship the* [ship's name], *whereof* [master's name] *is master, that the said ship the* [ship's name] *was built at* [place where], *and owned by* [owner's name], *residing at* [place where], *all his Majesty's*

Majesty's British *subjects, and that no foreigner, directly or indirectly, hath any share, part, or interest therein:*

Now be it known that the said [person's name], *hath licence to lade on board the said ship* [ship's name], *at and from any port or place belonging to the united states of* America, *bread, flour,* Indian *corn, and live stock, the produce of the said united states, and no other article whatsoever, and to carry the said bread, flour,* Indian *corn, and live stock, to some port or place on the island of* Newfoundland, *or the adjacent islands to his Majesty belonging; and on the arrival of the said ship at any port, harbour, or place of discharge in* Newfoundland, *or the adjacent islands to his Majesty belonging, the master or person having the charge or command of the said ship is required and enjoined to deliver up the said licence to the collector, or other proper officer of his Majesty's customs there, and to endorse on the back thereof, the marks, numbers, and contents of each package of bread, flour, or* Indian *corn, and the description and tale of each sort and species of live stock, on penalty of one hundred pounds; and shall thereupon receive a certificate thereof from the said collector, or other proper officer of the customs.*

This licence to continue in force for calendar months from the date hereof.

Signed by us the at the this day of one thousand seven hundred and

Licence to import bread, flour, Indian *corn, and live stock, the produce of the united states of* America, *into* Newfoundland.

CAP. II.

An act to continue an act, made in the last session of parliament, intituled, An act to prohibit, for a limited time, the exportation of hay.

25 Geo. 3. c. 62. further continued till one month after the commencement of the next session of parliament.

CAP. III.

An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and eighty-six, at 4s. in the pound: 2,037,627l. 9s. and a farthing: whereof to be raised in England 1,989,673l. 7s. and 10d. farthing; and in Scotland 47,954l. 1s. and 2d. by an eight months cess of 5,994l. 5s. and 1d. three farthings, per mensem. Clause of loan at 4l. and 10s. per cent. per ann.

CAP. IV.

An act for further continuing, for a limited time, an act made in the twenty-third year of the reign of his present Majesty, intituled, An act for preventing certain instruments from being required from ships belonging to the united states of America; and to give to his Majesty, for a limited time, certain powers for the better carrying on trade and commerce between the subjects of his Majesty's dominions and the inhabitants

inhabitants of the said united states; and for further continuing, for a limited time, an act made in the twenty-fourth year of the reign of his present Majesty, intituled, An act to extend the powers of an act, made in the twenty-third year of his present Majesty, for giving his Majesty certain powers for the better carrying on trade and commerce between the subjects of his Majesty's dominions and the inhabitants of the united states of America, to the trade and commerce of this kingdom with the British colonies and plantations in America, with respect to certain articles therein mentioned.

23 Geo. 3. c. 39. 24 Geo. 3. c. 45. and 25 Geo. 3. c. 5. recited, and further continued until April 5, 1787.

CAP. V.

An act to regulate the exportation of hops to Ireland.

25 Geo. 3. c. 74. sect. 12. recited. From March 6, 1786, British hops may be exported to Ireland, before duties paid, on giving proper notice, &c. If not exported agreeable to notice, a fresh notice to be given. Security to be given that the hops shall not be relanded, &c. Exporter to make oath that he believes the duties have been duly charged, &c. Particulars to be complied with before any debenture shall be granted for a drawback. Collector to pay the drawback. Taking a false oath, &c. deemed perjury. Hops relanded after giving security, &c. shall be forfeited. Act not to authorise exporting of hops to any place, or in any manner, not heretofore allowed; except as in this act is expressly provided. No additional drawback to be allowed. Penalties and forfeitures to be recovered as any penalty, &c. by the laws of excise, or by action in any of the courts of record at Westminster, or in the court of exchequer in Scotland; and one moiety to go to the King, and the other to the informer. Actions to commence three months next after the thing done, and to be laid in the proper county. Defendant may plead the general issue, and have treble costs.

CAP. VI.

An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and eighty-six. — Continued till June 24, 1787.

CAP. VII.

An act for the regulation of his Majesty's marine forces while on shore.

CAP. VIII.

An act to enable the persons therein named to provide proper places on shore for the reception of the crew of the Voorberg Dutch East Indiaman, forced by stress of weather into the port of Dartmouth.

That it is necessary that some provision should be made for the relief of the people belonging to the Voorberg, a Dutch East India ship outward bound, which on her passage from Amsterdam was forced into the port of Dartmouth in great distress; and in consequence of the great fatigue suffered by the crew, they were become very sickly, many had died, and unless they were removed on shore many more would have died; therefore Arthur Holdsworth, esq; governor of Dartmouth castle, together with the mayor of Dartmouth, and the collector of the customs, or any two of them, impowered to take possession of waste grounds or commons, at a convenient distance from any inhabited house, or where such waste grounds, &c. were not sufficient, of any other ground, etc. not being a house, park, garden, orchard, yard, or planted walk, &c. for the purpose of erecting tents or sheds, for the reception of the crew of the said ship, paying such rate, rent, or consideration for the same, as shall be agreed on. If parties cannot agree on the rent, the same to be set-

tled by a jury at the quarter sessions, who are to be impanelled by the sheriff without fee or reward, and sworn to value the ground, &c.

CAP. IX.

An act to explain and amend an act of the last session of parliament, intituled, An act for granting to his Majesty certain duties on shops within *Great Britain*; *for repealing several of the duties granted by the said act, and for granting other duties in lieu thereof.*

Preamble. 25 Geo. 3. c. 30.

WHEREAS *several duties were granted upon shops, by an act, made in the last session of parliament, intituled,* An act for granting to his Majesty certain duties on shops within *Great Britain: and whereas we, your Majesty's most dutiful and loyal subjects, the commons of* Great Britain, *in parliament assembled, do think it will be for the advantage of the publick to repeal the duties upon shops, the yearly rent or value whereof shall be under thirty pounds, and to grant unto your Majesty the several new duties hereinafter mentioned, to be applied to the uses and purposes which the said duties formerly granted are now applicable unto*; we do therefore most humbly beseech Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the

From April 5, 1786, all duties on shops, in houses not worth 30l. per ann. repealed.

authority of the same, That, from and after the fifth day of *April*, one thousand seven hundred and eighty-six, all the duties granted by the said act (except the duty thereby charged on any house, or other building or place, of the yearly rent or value of thirty pounds, and upwards) shall cease, determine, and be no longer paid or payable; except only such monies as shall become due in respect of the said duties assessed at any time on or before the said fifth day of *April*, one thousand seven hundred and eighty-six, and which shall be in arrear and unpaid.

New duties.

II. And be it further enacted by the authority aforesaid, That, from and after the said fifth day of *April*, one thousand seven hundred and eighty-six, there shall be charged, raised, levied, and paid unto his Majesty, his heirs and successors, throughout *Great Britain*, the several and respective duties upon shops herein-after mentioned; that is to say,

For every house, any part of which shall be used as a retail shop, worth 5l. per ann. and under 10l.—4d. in the pound:

For every house, or other building, now or hereafter to be erected, any part of which shall, for the time being, be used as a shop, publickly kept open for carrying on any trade, or for selling any goods, wares or merchandize, by retail, and upon every building or place used as a shop only, for the purposes before mentioned, of the yearly rent or value of five pounds, and under ten pounds, the yearly sum of four-pence in the pound of such rent or value:

worth 10l. and under 15l. — 8d. in the pound:

For every such house, or other building or place, of the yearly rent or value of ten pounds, and under fifteen pounds, the yearly sum of eight-pence in the pound of such rent or value:

For

For every such house, or other building or place, of the yearly rent or value of fifteen pounds, and under twenty pounds, the yearly sum of one shilling in the pound of such rent or value: worth 15l. and under 20l. — 1s. in the pound:

For every such house, or other building or place, of the yearly rent or value of twenty pounds, and under twenty-five pounds, the yearly sum of one shilling and three-pence in the pound of such rent or value: worth 20l. and under 25l. — 1s. 3d. in the pound:

And for every such house, or other building or place, of the yearly rent or value of twenty-five pounds, and under thirty pounds, the yearly sum of one shilling and nine-pence in the pound of such rent or value: worth 25l. and under 30l. — 1s. 9d. in the pound.

III. Provided always, and it is hereby enacted by the authority aforesaid, That no duty shall be imposed, assessed, or levied, by virtue of this, or of the said recited act, for or in respect of any such house or shop, whereof the occupier or occupiers, by reason of his, her, or their poverty only, is or are exempted from the actual payment of the usual taxes, assessments, and contributions towards the church and poor. Poor persons not paying to church and poor, exempted.

IV. And be it further enacted and declared by the authority aforesaid, That the said duties by this act imposed, and also the arrears of the duties granted by the said former act, shall, together with the said unrepealed duty of two shillings in the pound on every such house, or other building or place, of the annual rent or value of thirty pounds, and upwards, be under the management of the same commissioners, and shall be assessed, raised, levied, collected, paid, received, and applied, by such and the same persons, and for such and the same purposes, and in such and the same form and manner, and with such and the same allowances, and under such and the same penalties, as by the said recited act is prescribed, with respect to the duties thereby imposed; and all and every the powers, authorities, rules, directions, penalties, forfeitures, clauses, matters, and things, contained in the said act, and not hereby altered or repealed, so far as the same were intended to take effect, and be executed after the said fifth day of *April*, one thousand seven hundred and eighty-six, shall be in full force, and be duly observed, practised, and put in execution throughout the kingdom of *Great Britain*, for raising, levying, collecting, and paying, the several duties on shops by this act granted, as fully and effectually, to all intents and purposes, as if the same, or the like powers, authorities, rules, directions, penalties, forfeitures, clauses, matters, and things, were particularly repeated and re-enacted in the body of this present act. New duties, &c. to be under the same management, and applied to the same purposes, as the former duties.

V. Provided always, and be it enacted, That, instead of the oath required to be taken by the said herein-before recited act, every commissioner who shall, from and after the said fifth day of *April*, one thousand seven hundred and eighty-six, proceed to act, or begin to act in the execution of the said former act, and of this act, shall take the following oath: Commissioners to take a new oath.

The oath. *I DO swear, That I will truly and faithfully execute the office of a commissioner for the duties on shops, and will determine upon all appeals which shall be brought before me, according to the best of my skill and knowledge.*

And every assessor, or surveyor or inspector authorised to act as assessor, shall, instead of the oath required to be taken by the said herein-before recited act, take the following oath, or, being a Quaker, make the following affirmation:

Assessor's oath. *I DO swear,* (or *affirm,* as the case may be), *That in the assessment which I shall make upon every house, building, or place, liable to the duties on shops, within the district or parish for which I am appointed or authorised to act as assessor, I will rate each at the true annual value, according to the best of my skill and knowledge; and that I will truly and faithfully execute the trusts reposed in me as such assessor.*

Which oaths, as also all and every other oaths which may be requisite and necessary for carrying into execution this or the said recited act, any two or more of the commissioners within each county, city, or place respectively, are hereby authorised to administer.

Defendants may plead the general issue,

VI. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times, be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, or of any matter or thing in this act contained, such person or persons shall and may plead the general issue, and give the special matter in evidence; and if upon a trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, then such defendant or defendants shall have treble costs to him or them awarded against the plaintiff or plaintiffs.

and recover treble costs.

CAP. X.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters.

From March 24, 1786, to March 25, 1787. Number of forces 17,638, including 2,030 invalids.

CAP. XI.

An act for enlarging the term of several acts of parliament, for the repair of Dover harbour.

11 & 12 Gul. 3. c. 5. 2 Annæ, c. 7. 4 Geo. 1. c. 13. 9 Geo. 1. 11 Geo. 2. 31 Geo. 2. c. 8. Former acts further continued for 21 years. Expences of this act to be paid out of money arising from rates or duties. To be a publick act.

CAP. XII.

An act for opening, making, widening, and altering certain streets, passages, and places, within the town of Liverpool, in the county palatine of Lancaster; for supplying the said town with fresh and wholesome water;

water; for removing and preventing nuiſances and annoyances therein; for appointing additional market places; and for extending ſo much of the powers of an act of the ſecond year of his preſent Majeſty, as relates to hackney coachmen, chairmen, carters, and porters, to a certain diſtance beyond the liberties of the ſaid town.

CAP. XIII.

An act to continue and render more effectual ſo much of an act, paſſed in the twenty-ſeventh year of the reign of his late majeſty King George the Second, as impoſes a duty on ſhips and veſſels anchoring in the harbour of Alloa, in the county of Clackmannan, for repairing the pier of the ſaid harbour.

CAP. XIV.

An act to prevent frauds and abuſes in the admeaſurement of coals, ſold by wharf meaſure, within the ſeveral pariſhes lying between Putney and Rotherhithe, both incluſive, in the county of Surry.

Preamble recites 19 Geo. 2. c. 35. & 7 Geo. 3. c. 23. A land coal-meter's office near Blackfriers bridge appointed, and five ſubordinate offices, to be managed by David Evans and John Burnett; ſubject to the controul of the quarter ſeſſions. Juſtices to adminiſter oaths. Appointing other meters in caſes of death or removal. Principal coal-meter to be ſworn. The oath, viz.

I A. B. do ſwear, [or, being of the people called Quakers, do ſolemnly affirm], That I will truly and faithfully, according to the beſt of my judgement and ability, execute the office of principal land coal-meter for the ſeveral wharfs between Putney and Saint Mary Rotherhithe, both incluſive, in the county of Surrey.

So help me GOD.

Labouring meters to be appointed, and deputies. Penalty on principal meters for not appointing, and on labouring meters for neglecting to attend. Labouring meter's oath, viz.

I A. B, do ſwear, [or, being of the people called Quakers, do ſolemnly affirm], That I will duly and faithfully, to the beſt of my ſkill and knowledge, execute the office of one of the labouring coal-meters for the ſeveral wharfs ſituate between Putney and Saint Mary Rotherhithe, both incluſive, in the county of Surrey, and that I will truly and impartially meaſure, or ſee meaſured, all coals between buyer and ſeller, without favour or hatred.

So help me GOD.

Meters not to be intereſted in the ſale of coals. Deputies neglecting to ſend a labouring meter, or labouring meters not attending on notice, to forfeit 20s. Stations of labouring meters to be varied. Coals to be meaſured in preſence of a labouring meter. Coal-meter's fee, 4d. per chaldron. Tickets to be delivered to the ſeller or carman, to contain the chriſtian and ſurname of the ſellers and conſumers, the quantity, day of the week, month, year of delivery, and admeaſurement; the amount of the metage charge, and the name of the carman, &c. Tickets to be delivered by labouring meter to carman, and by him to the conſumer. Labouring coal-meters refuſing to deliver ticket to the carman, to forfeit 40s. and on the carman refuſing to deliver it to the conſumer, 10s. Vender ſending coals unmeaſured or without a ticket, to forfeit 10l. Dimenſions of ſacks to be 4 feet in length, and 2 feet in breadth; and for uſing falſe buſhel, to forfeit 5l. Wharfingers, &c. bribing meters, to forfeit 50l. Meters permitting deficient ſacks to be uſed, to forfeit 40s. or otherwiſe not performing their duty, 40s. and incapacitated. If the penalty is not paid within a month, it may be recovered from the principal.

principal. Exemptions with respect to water-works, or to coals bought and sold, or delivered by pool measure; if a meter is employed, to be paid 4d. per chaldron. Meters suffering coals to pass without being measured, to forfeit 5l. Carman permitting coals to be taken out of his cart, to forfeit 40s. or be imprisoned. Coals may be re-measured. Penalties on vender, meter, etc. if found to be short measure, 5l. per bushel short, by the vender, and 2s. 6d. by per bushel by the coal porter. Carmen to be paid 2s. 6d. per hour when stopped to re-measure coals, to be paid by the vender. Dealers offending under this act not liable to penalties of 3 Geo. 2. c. 26. etc. but as herein mentioned. Penalties and forfeitures if above 5l. to be recovered by action of debt, etc. in any court of record at Westminster, one moiety for the King and the other with costs to the prosecutor; and under 5l. to be by complaint to the justices of Surrey, one moiety to the informer, and the other to the poor of the parish; to be recovered by distress and sale of goods, and in default, 30 days' imprisonment. Persons aggrieved may appeal to the quarter sessions. No certiorari. Actions to commence 2 months next after fact, and to be laid in Surrey. The defendant may plead the general issue, and have full costs. Reserving the rights of the corporation of the city of London within Southwark. Publick act.

CAP. XV.

An act for augmenting and ascertaining the income of the rectors of the parish church and parochical chapel of Liverpool.

Recital of private act 10 & 11 Gul. 3. nº. 36. 200l. annually paid the rectors since the act. Resolution of the vestry to make an addition of 200l. a year to the rectors, etc. The additional 200l. a year to be raised upon the occupiers of houses, etc. and to be regulated by the poor's rate of the preceding year. Power to levy the rate. The collectors are to account with the churchwardens on oath. In case the whole money collected shall not be received from the collector, a new rate to be made to make good the deficiency. Appeal to the quarter sessions. The provision by this act to be in lieu of tythes, etc. Not to deprive the rectors of surplice fees. The 200l. a year to be paid the rectors half-yearly. Power for rectors to sue for the same. Not to charge any poor persons or cottagers with the rates for the rectors, who are not chargeable with publick taxes; nor any inhabitant not renting 5l. a year. Saving clause to the patrons of the parish church and chapel. Clause respecting seats and pews in Saint Nicholas Chapel. Pews vested in the rectors. The inhabitants discharged from providing any house or garden for the rectors. Publick act.

CAP. XVI.

An act to explain and amend certain provisions of an act, made in the twenty-fourth year of the reign of his present Majesty, respecting the better regulation and management of the affairs of the East India *company.*

Preamble.

WHEREAS, *by virtue of an act, made and passed in the twenty-fourth year of his present Majesty's reign, intituled,* An act for the better regulation and management of the affairs of the *East India* company, and of the *British* possessions in *India*; and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the *East Indies*; *it is enacted, That whenever any vacancy of the office of governor general or president, or of any member of the council, shall happen in any of the presidencies of* Fort William *in* Bengal, Fort Saint George, *or* Bombay *respectively, the court of directors of the said united company shall proceed to nominate and appoint*

24 Geo. 3. c. 25.

point a fit person to supply such vacancy from amongst their covenanted servants in India, *except to the office of governor general, or the office of governor or president of* Fort Saint George, *or* Bombay, *or of any commander in chief, to which several offices the said court of directors have liberty to appoint any other person or persons: and whereas a doubt may arise whether, according to the strict letter of the said act, the nominations and appointments, made or to be made by the said court of directors, of any of the covenanted servants of the said company to supply the vacant office of any counsellor or counsellors in any of the presidencies aforesaid, are or would be valid or effectual, unless such covenanted servants were actually resident in* India *at the times of the making of such nominations and appointments respectively:* therefore, for obviating any such doubt, may it please your most excellent Majesty that it may enacted and declared; and be it enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the nominations and appointments which have been, or shall hereafter be made by the said court of directors, for supplying any such vacancy or vacancies as aforesaid, of any person or persons under covenant, or who shall have been under covenant to serve the said united company in *India*, were and shall be accepted, held, and taken to have been and hereafter to be valid and effectual, wheresoever such persons were or may happen to be resident at the times of the making such nominations and appointments respectively.

Certain nominations of covenanted servants by the court of directors declared valid.

II. Provided always, and be it further enacted by the authority aforesaid, That the said court of directors shall not appoint any person to be of the council, in any of the said presidencies, (other than the governor general, or the governor or president, or commander in chief), who shall not, at the time of his appointment, have been twelve years at the least, in the whole, resident in *India*, in the civil line of the company's service; and if any such appointment other than as aforesaid shall be made, the same shall be null and void.

No person to be appointed of the council (except the governor general, etc.) who has not been 12 years in the civil line of service.

III. *And whereas it is in and by the said act also enacted, That when and so often as the number of members of any of the councils of* Fort William, Fort Saint George, *or* Bombay, *shall by death or absence, or by reason of sickness, or otherwise, for fourteen days, be reduced to two, including the governor general, or president of such council, the person who shall stand senior in such provisional appointment as is therein before mentioned, or in case there shall be no such appointment, then the senior civil servant of the said company upon the spot shall be called to such council, and shall have a voice therein, in like manner as if he had been appointed thereunto by the said directors: and whereas the said recited clause or provision hath been productive of difficulty and embarrassment:* be it therefore further enacted by the authority aforesaid, That so much and such part of the said recited act, as directs that the senior civil servant of the company upon the spot shall, upon any of the occasions, or in any of the events aforesaid, be called to the council of any of the said

A clause in 24 Geo. 3. c. 25. recited,

and repealed.

ſaid preſidencies, or have voice therein, ſhall be, and the ſame is hereby repealed.

Temporary counſellors how to be appointed at Fort William, etc.

IV. And be it further enacted, That when and ſo often as the number of members of any of the councils of *Fort William*, *Fort Saint George*, or *Bombay*, ſhall, by death or reſignation, be reduced to two, including the governor general, or the preſident of ſuch council for the time being reſpectively, and there ſhall happen to be no perſon on the ſpot proviſionally appointed to ſucceed to a ſeat in ſuch council, the governor general and council within the preſidency of *Fort William*, and the governor or preſident and council of *Fort Saint George*, and the governor or preſident and council of *Bombay*, within their reſpective preſidencies, ſhall, and they are hereby ſeverally required to call to ſuch their reſpective councils ſuch perſon from amongſt the civil ſervants of the ſaid company in ſuch government or preſidency reſpectively, who ſhall have been in the ſervice of the ſaid company in *India*, as a covenanted ſervant, for the ſpace of twelve years, at the leaſt, in the whole, as the ſaid governor general and council, or governors or preſidents and councils, in their ſeveral preſidencies, ſhall ſeverally and reſpectively think fit; and the perſon ſo called ſhall have a ſeat and voice in council, and continue to be a member thereof until the vacancy ſhall be duly ſupplied and filled, according to the directions of the ſaid recited act, and this preſent act; and that every perſon who ſhall be ſo called by the ſaid governor general and council, or governors or preſidents and councils reſpectively, to a ſeat in the council of any of the ſaid preſidencies, ſhall be entitled, for the time he ſhall continue therein, to the ſalary and allowance annexed to that office or ſtation, and ſhall and may continue to hold any other office or employment which he enjoyed at the time of his being called to a ſeat in council, if compatible therewith; or ſuch office or employment ſhall and may be held by any deputy, approved and allowed by order in council, during the time of the perſon ſo called holding his ſeat at the council board, ſuch deputy receiving the profits and emoluments thereof for his own uſe and benefit.

Part of the recited act, relative to commanders in chief, repealed.

V. *And whereas it is in and by the ſaid recited act enacted, That the commander in chief of the company's forces in* India *for the time being ſhall have voice and precedence in the ſupreme council next after the governor general of* Fort William; *and that the commanders in chief at* Fort Saint George, *and* Bombay *ſhall reſpectively be of the council in the ſaid reſpective preſidencies: and whereas it may be more expedient that any ſuch commander in chief ſhould not, by virtue of his ſaid office, be a member of any of the ſaid reſpective councils, unleſs he be ſpecially appointed thereto:* be it therefore enacted, That ſo much and ſuch part of the ſaid act as directs, that the commander in chief of the company's forces in *India* for the time being, or the commanders in chief in the preſidencies or ſettlements of *Fort Saint George* and *Bombay*, ſhall, by virtue of their ſaid reſpective offices, be a member or members of any of the councils of *Fort William*, *Fort Saint George*, or *Bombay*, reſpectively,

spectively, or have any voice or presidence therein, shall be, and the same is hereby repealed.

Directors may appoint commander in chief to be governor general, etc. at Fort William; or commander in chief of Fort Saint George, or Bombay, to be president there, etc.

VI. Provided always, and be it enacted, That nothing in this or in any former act contained shall extend to preclude the court of directors of the said united company from appointing the commander in chief of the company's forces in *India* to be governor general or a member of the supreme council at *Fort William* in *Bengal*; or from appointing either of the said commanders in chief of *Fort Saint George* and *Bombay*, to be president or member of the council for the presidency wherein he shall so be the commander in chief; or to prevent or preclude the court of directors of the said company from appointing the governor general of *Bengal*, or any other member of the supreme council for the time being, to be the commander in chief of the company's forces in *India*; or from appointing either of the governors or presidents of *Fort Saint George* and *Bombay*, or any of the members of council of the said respective presidencies for the time being, to be commander in chief of the forces within the same presidency of which he shall be the governor or president, or a member of council, if the said court of directors shall think fit and expedient so to do.

In extraordinary cases, the governor general, etc. may act without the concurrence of the council.

VII. *And whereas it would tend greatly to the strength and security of the* British *possessions in* India, *and give energy, vigour, and dispatch to the measures and proceedings of the executive government within the respective presidencies, if the governor general of* Fort William *in* Bengal *and the several governors or presidents of* Fort Saint George, *and* Bombay, *were vested with a discretionary power of acting without the concurrence of their respective councils, or forbearing to act, according to their opinions in cases of high importance, and essentially affecting the publick interest and welfare, thereby subjecting themselves personally to answer to their country for so acting or forbearing to act*; be it therefore enacted, That when and so often as any measure or question shall be proposed or agitated in the supreme council at *Fort William* in *Bengal*, or in either of the councils of *Fort Saint George* and *Bombay*, whereby the interests of the said united company, or the safety or tranquillity of the *British* possessions in *India*, or any part thereof, are or may, in the judgement of the governor general, or of the presidents of such councils respectively, be essentially concerned or affected; and the said governor general, or such presidents respectively, shall be of opinion, that it will be expedient either that the measures so proposed or agitated ought to be adopted or carried into execution, or that the same ought to be suspended, or wholly rejected, and the several other members of such council then present shall differ in, and dissent from such opinion, the said governor general, or the president of such council, and the other members thereof, shall, and they are hereby directed forthwith mutually to exchange with, and communicate in council to each other in writing, under their respective hands, (to be recorded at large on their secret consultations), the respective grounds and reasons of their respective opinions; and if,

if, after considering the same, the said governor general, or the said presidents respectively, and the other members of the said council, shall severally retain their opinions, it shall and may be lawful to and for the said governor general in the supreme council of *Fort William*, or for either of the said governors or presidents in their respective councils, to make and declare any order (to be signed and subscribed by the said governor general, or by the governor or president making the same) for suspending or rejecting the measure or question so proposed or agitated, in part or in whole, or to make and declare such order and resolution for adopting and carrying the measure so proposed or agitated into execution, as the said governor general, or the said governors or presidents in their respective councils, shall think fit and expedient; which said last mentioned order and resolution, so made and declared, shall be signed, as well by the said governor general, or the governor or president, so making and declaring the same, as by all the other members of the council then present, and shall be as effectual and valid, to all intents and purposes, as if all the said other members had advised the same, or concurred therein; any thing in the said former act contained to the contrary notwithstanding: and the said members of council, and all officers civil and military, and all other persons concerned, shall be, and they are hereby commanded, authorised, and enjoined to be obedient thereto, and to be aiding and assisting in their respective stations in the carrying the same into execution.

Governor general, etc. to be responsible.

VIII. And be it further enacted, That the said governor general, or the governor or president who shall declare and command any such order or resolution to be made and recorded without the assent or concurrence of any of the other members of council, shall alone be held responsible for the same, and the consequences thereof.

Restriction of the powers given to the governor general, etc.

IX. Provided always, and be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to give power to the said governor general of *Fort William* in *Bengal*, or to either of the said governors or presidents of *Fort Saint George* and *Bombay* respectively, to make or carry into execution any order or resolution which, before the passing of this act, could not have been lawfully made and executed with the concurrence of the councils of their respective governments or presidencies; any thing herein contained to the contrary notwithstanding.

Discretionary powers not to be exercised by any governor general, etc. who shall casually succeed to such office.

X. Provided also, and be it further enacted and declared, That nothing in this act contained shall extend, or be construed to extend, to give any discretionary power or authority of acting or forbearing to act, without the concurrence of the other members of council, unto any person on whom the said office of governor general, or the said office of governor or president, respectively, shall happen to devolve, by the death or resignation of any governor general, governor or president, for the time being respectively, unless such person shall have been provisionally appointed

pointed to succeed to such respective office by the court of directors of the said company, or unless and until he shall be afterwards confirmed in the said office by the said court; but that, during the time any of the said offices shall be so held and executed by any person, on whom the same shall have so casually devolved, unless he shall have been so provisionally appointed thereto, or until he shall be so confirmed therein as aforesaid, all matters, acts, orders, and resolutions of the respective council wherein such persons shall so preside, shall be determined by the majority of the council, in the like manner as if this act had not been made; any thing herein-before contained to the contrary notwithstanding.

Certain cases in which the new powers shall not be exercised by the governor general, &c.

XI. Provided also, and be it enacted, That nothing herein contained shall intitle the said governor general of *Fort William* in *Bengal*, or either of the governors or presidents of *Fort Saint George* and *Bombay*, respectively, to make or carry into execution any order or resolution without the concurrence of the councils of their respective governments, in any matter which shall come under the consideration of the said governor general and governors or presidents, and their councils respectively, in their judicial capacity, or with respect to the making or repealing or suspending any general rule, order, or regulation, for the good order and civil government of the said united company's settlements, or with respect to the imposing of any tax or duty within their respective governments or presidencies.

By whom the orders of the supreme council, &c. shall be expressed to be made.

XII. And be it further enacted, That all orders and other proceedings of the said supreme council, and of the said councils of *Fort Saint George* and *Bombay*, respectively, shall in future be expressed to be made *by the governor general in council*, or *by the governor or president in council*, and not otherwise; and that all the said orders and proceedings, previous to their being published in the respective presidencies, shall be signed by the chief secretary to the council of the presidency, or his deputy for the time being, by the authority of the governor general in council, or the governor or president in council; any act or usage to the contrary notwithstanding.

XIII. *And whereas the principle of promotion and advancement intended to be established by the said act, so far as relates to the civil line of the company's service in* India, *may be carried into effect with more convenience to the publick service in the manner herein-after directed*; be it therefore further enacted, That all vacancies, happening in any of the offices, places, or employments, in the civil line of the company's service in *India*, (being under the degree of a member of the council), shall be from time to time filled up and supplied from amongst the servants of the said company belonging to the presidency wherein such vacancies shall respectively happen, subject only to the restrictions in this act contained, and no otherwise; any thing in the said former act contained to the contrary notwithstanding.

Vacancies in civil offices how to be supplied.

XIV. Provided always, and be it enacted, That in the filling up and supplying such vacancies, no office, place, or employment,

Rules to be observed in filling up such vacancies.

ployment, the ſalary, perquiſites, and emoluments whereof ſhall exceed five hundred pounds *per annum*, ſhall be conferred upon or granted to any of the ſaid ſervants, who ſhall not have been actually reſident in *India*, in the company's ſervice, for the ſpace of three years at the leaſt in the whole, antecedent to ſuch vacancy; and if the ſalary, perquiſites, and emoluments of any office, place, or employment, ſhall exceed one thouſand five hundred pounds *per annum*, the ſame ſhall not be granted to or conferred upon any of the ſaid ſervants who ſhall not have been actually reſident in *India*, in the ſaid ſervice, for the ſpace of ſix years at the leaſt in the whole, antecedent to ſuch vacancy; and if the ſalary, perquiſites, and emoluments of any office, place, or employment, ſhall exceed three thouſand pounds *per annum*, the ſame ſhall not be granted to or conferred upon any of the ſaid ſervants, who ſhall not have been actually reſident in *India*, in the company's ſervice, for the ſpace of nine years at the leaſt in the whole; and if the ſalary, perquiſites, and emoluments of any office, place, or employment, ſhall exceed four thouſand pounds *per annum*, the ſame ſhall not be granted to or conferred upon any of the ſaid ſervants, who ſhall not have been actually reſident in *India*, in the company's ſervice, for the ſpace of twelve years at the leaſt in the whole, antecedent to ſuch vacancy; and that all appointments, advancements, and promotions, which ſhall be made for ſupplying any ſuch vacancies, other than as aforeſaid, ſhall be null and void.

No perſon to hold ſeveral offices to a greater amount than he is qualified to hold in a ſingle office.

XV. And be it further enacted, That no perſon ſhall for the future be capable of taking, in the civil line of the company's ſervice, two or more offices, places, or employments, the joint amount of the ſalaries, perquiſites, and emoluments of which ſhall exceed in the whole the annual ſalary, perquiſites, and emoluments reſpectively preſcribed in the regulations and reſtrictions before mentioned; any law or uſage to the contrary notwithſtanding.

XVI. *And whereas the ſaid court of directors for the time being are, in and by the ſaid recited act, required from time to time, to appoint a ſecret committee, to conſiſt of any number of the ſaid directors, not exceeding three, for the particular purpoſes in the ſaid act ſpecified, but no oath of ſecrecy was thereby provided or directed to be taken by the members of ſuch ſecret committee*; be it therefore further enacted, That the oath of the members of the ſaid ſecret committee ſhall be of the tenor following; (that is to ſay),

Members of the ſecret committee to be ſworn.

The oath.

I A. B. *do ſwear, That I will, according to the beſt of my ſkill and judgement, faithfully execute the ſeveral truſts and powers repoſed in me as a member of the ſecret committee, appointed by the court of directors of the united company of merchants of* England *trading to the* Eaſt Indies; *I will not diſcloſe or make known any of the ſecret orders or inſtructions which ſhall be given, communicated, or tranſmitted to me by the commiſſioners for the affairs of* India, *concerning the levying of war, or the making of peace, or treating or negotiating with any of the native princes or ſtates of* India; *ſave only*

only to the other members of the said secret committee, or to the person or persons who shall be duly nominated and employed in transcribing or preparing the same respectively, unless I shall be authorised by the said commissioners to disclose and make known the same.

So help me GOD.

Oath when to be taken.

XVII. And be it further enacted, That the said oath shall be taken and subscribed by the present members of the said secret committee within fourteen days after this act shall have received his Majesty's assent; and that the future members of the said secret committee shall take and subscribe the said oath, before they shall respectively proceed to act in the execution of the powers and trusts to them given by the said former act, and this present act; and the said oath shall and may be administered by the several and respective members of the said committee to each other; and being so by them taken and subscribed, the same shall be recorded by the secretary of the said court of directors for the time being, amongst the acts of the said court.

Secret committee may employ transcribers;

XVIII. And be it further enacted, That if the said secret committee, in the execution of their said powers and trusts, shall find it necessary to employ any person in transcribing or preparing any secret dispatches, orders, or instructions, required to be transmitted by them to *India*, under the direction of the said former act, the said dispatches, orders, and instructions, shall be transcribed and prepared, either by the secretary of the court of directors for the time being, or by the officer called *The Examiner of* Indian *Correspondence*, for the time being, and by no other person or persons, unless with the approbation and consent of the said commissioners for the affairs of *India*, or any three or more of them, for that purpose first had and obtained; and that as well the said secretary and examiner, as every other person who shall be intrusted with the transcribing or preparing any of such dispatches, orders, or instructions, shall, before they shall respectively enter upon that duty, take and subscribe, before two or more of the members of the said secret committee, an oath of secrecy, as near unto the tenor and form of the oath herein-before provided, and directed to be taken by the members of the said secret committee, as the case will admit; and the members of the said committee, or any two of them, are hereby authorised and required to frame and administer such oath accordingly, and to attest the taking and subscribing of the same by the said secretary and examiner, and all other persons who shall be employed by them as aforesaid, and to cause the same to be recorded amongst the acts of the said court of directors.

who shall take an oath of secrecy.

Commencement of this act.

XIX. And be it enacted, That this act shall take place and have commencement in *Great Britain*, immediately after this act shall have received his Majesty's royal assent; and shall take place and have commencement, in the several presidencies aforesaid,

said, and in the territories thereunto belonging, from the first day of *January* one thousand seven hundred and eighty-seven.

Publick act. XX. And be it further enacted, That this act shall be, and shall be deemed and taken to be, a publick act.

CAP. XVII.

An act for paving, repairing, cleansing, lighting, and watching the streets, lanes, ways, passages, and places, within the town of Tewkesbury, and the precincts thereof, in the county of Gloucester; for the removal of present, and prevention of future, encroachments, nuisances, and annoyances therein; for regulating carts and other carriages, and ascertaining the rates of carriage; and for widening some part of the street called Church street, within the said town.

CAP. XVIII.

An act for the more easy and speedy recovery of small debts within the town and borough of Deal, and the parishes of Ripple, Sutton, Northbourne, Great Mongeham, Little Mongeham, Tilmanstone, Betshanger, Ham, and Sholden, in the county of Kent.

The mayor, iurats, recorder, and common council men of the town and borough of Deal, in the county of Kent, for the time being; and several other persons named commissioners to hold a court to be styled the court of requests in the town and borough of Deal. Commissioners to hold courts the first Monday in every month, and three of them to determine all causes where the demand is under 40s. and above 2s. except for rent where the title may come in question, or testamentary or matrimonial causes, or any ecclesiastical matter, or for money won at gaming, or forfeiture on statute or bye law, or where no promise or acknowledgment in six years, with other usual directions.

CAP. XIX.

An act to amend and render more effectual two acts, made in the sixth year of the reign of Queen Anne, and the thirty-second year of the reign of his late majesty King George the Second, for erecting a workhouse in the town and borough of Plymouth, in the county of Devon; and for setting the poor on work, and maintaining them there; and for obliging the mayor and commonalty of Plymouth to contribute towards the county rates of Devon; and for applying for the relief of the poor in the said workhouse, certain surplus monies which have formerly arisen by the assessment for raising the land tax in the said town; and for granting further power to the guardians of the poor of the town of Plymouth, in the county of Devon.

A private act of 6 Annæ, nº. 6. recited. Act 32 Geo. 2. c. 59. recited.

CAP. XX.

An act to amend, and render effectual, two acts, of the ninth and fifteenth years of his present Majesty, for making and maintaining a navigable canal from the Coventry canal navigation to the city of Oxford.

Act 9 Geo. 3. c. 70. & 15 Geo. 3. c. 9. ited. Power to raise a further sum of 60,000l. by the company of proprietors of the Oxford canal navigation, their successors and assigns at interest, on the credit of the rates and duties, &c. Arrears of interest upon the share due at Midsummer, 1785, made stock. Proprietors of shares to have such dividends as the company shall direct, not exceeding 4l. per cent. per ann. till the canal is completed, and 30,000l. paid off, or 5 per cent. per ann. afterwards. Interest of the money borrowed to be paid, in preference to dividends

dividends upon the shares. Interest of the money borrowed by virtue of act 15 Geo. 3. to be first paid. Proprietors may become possessed of one hundred shares each. Power to convey water to the canal from Churchover. The restriction against conveying coals from the canal down the Isis, Charwell, and Thame towards London, varied, and coals, &c. may be carried to Reading.

CAP. XXI.

An act for repairing the highways and bridges in the county of Dumbarton.

The preamble recites that the powers granted by the law in Scotland, relative to highways and bridges, and the services in work and money authorized to be exacted, have been found insufficient to amend and keep in repair the roads and bridges within the county of Dumbarton; therefore it is enacted, That the said county be divided into six districts, viz. Row and Roseneath to meet at Row; Luss and Aroquhar at Luss; Dumbarton, Cardross, and Bonnill, at Dumbarton; Kilmaronock at Kirkhouse of Kilmaronock; Old Kilpatrick and New Kilpatrick at Old and New Kilpatrick alternately; Easter and Wester Lenzie at Cumbernauld and Kirkintilloch alternately. All persons in his own right, or in right of his wife, in actual possession, as proprietor or liferenter, of lands in the said county, valued in the cess books at one hundred pounds Scots, valued rent, and the eldest son of every person possessed of two hundred pounds Scots of valued rent, as above, and the provost and eldest baillie of Kirkintilloch, and the baron baillie on the estate of Cumbernauld, one of the guardians and trustees of minors, and the factors or baron baillies of non-resident heritors, appointed trustees to put this act in execution.

CAP. XXII.

An act for the more easy and speedy recovery of small debts within the town and port of Sandwich, and vill of Ramsgate, and the parishes of Minster and Saint Lawrence, in the Isle of Thanet, Walmer Ash next Sandwich, Eastry, Wingham, Staple, Goodnestone next Wingham, Chillenden, Nonnington, Woodnesborough otherwise Winsborow, Eythorne, Word otherwise Worth, Elmestone, Preston next Wingham, Ickham, and Wickhambreux, in the county of Kent.

CAP. XXIII.

An act for the appointment of an additional overseer for the better government of the poor of the parish of Westbury, in the county of Wilts.

CAP. XXIV.

An act for building a new gaol and house of correction for the county of Salop, and the several boroughs, towns corporate, liberties, franchises, and places within the same; and for explaining and amending an act made in the twenty-third year of his present Majesty, intituled, An act for building a new shire hall and guildhall for the county of Salop, and the town of Shrewsbury, in the said county; and for the other purposes therein mentioned.

Justices of the peace of the county, and several boroughs, &c. appointed commissioners, but not to be interested. John Flint treasurer of the county to be treasurer to the commissioners, and Thomas Wingfield clerk of the peace for the county to be clerk to the commissioners, on giving security, and to have salaries, &c. Commissioners may treat for the purchase of lands, and incapacitated persons may treat for the sale of lands. Premises to be conveyed on payment of the purchase-money. In case of defect of title, etc. the sums awarded to be paid into the hands

of the treasurer, for the use of the parties interested. Money paid to any corporation, etc. to be invested in lands to be settled to the same uses. Mesne profits may be recovered by the party intitled. If the parties neglect to treat, etc. the value to be settled by a jury, with the usual clauses for that purpose. Money to be raised by rates on the county, for building new gaol and house of correction. Assessors of the land tax to assess and levy the rate. Rate not more than 3s. in the pound in the whole, nor more than 6d. in the pound in any one year. Monies raised by this act to be applied first to pay the expences of the act, and then to put the same in execution. Commissioners to cause a gaol and house of correction for the county, boroughs, etc. to be built on or near the garden of Edward Pritchard near the castle of Shrewsbury. Commissioners to receive and take proposals, and make contracts for building a new gaol and house of correction, and may appoint a surveyor. Sub committees may be appointed. Power to dig materials out of commons and quarries, etc. That the wards and apartments be so constructed that the males be separated from the females, both by night and day, and the debtors, etc. from the felons according to the act, 14 Geo. 3. c. 59. For obtaining a supply of fresh water, may erect an engine, etc. upon the river Severn. Not to prevent places usually supplied with water, from a continuance of such supply, etc. Recompence for damage to land in getting water. For securing a free circulation of air, no building, etc. (except fences not more than 5 feet high) to be erected, nor swine kept within 50 yards of such gaol. Materials vested in the commissioners. Persons obstructing or damaging buildings, etc. to be punished. Power to remove prisoners to the new gaol, when completed. For removal of prisoners from other gaols and houses of correction. After the gaol and house of correction is finished, and monies due on that account are paid, the commissioners to pay the balance of their account to the treasurer, etc. to be disposed of by the justices at the quarter sessions. Gaol and house of correction, when completed, to be insured, and supported at the expence of the county, etc. No sum to be expended in repairing the gaol, exceeding 5l. without an estimate. Gaoler's and keeper's accounts to be produced, and settled at the quarter sessions. Boroughs, etc. not liable to any rate for insuring, etc. the new gaol. Justices' power over the new house of correction, etc. the same as now. Justices may appoint an apothecary and visitors, and report to the sessions the state of the gaol, etc. Accidental damages may be repaired by order of a justice. Gaoler's salary at discretion of the justices. No allowance to be made to any person incapable of performing the office; except for age and infirmities, at the discretion of the justices, not more than 50l. per ann. to be deducted from the salary of the acting person. All laws applicable to the purposes of this act, to be extended to it. Penalties and forfeitures, not otherwise directed, to be recovered by distress and sale of goods. Persons aggrieved may appeal to the quarter sessions. Proceedings not to quashed for want of form, etc. Persons prosecuted may plead the general issue, and have treble costs. Actions to commence six months after the fact is committed. Recital of 23 Geo. 3. c. 20. 18. 4d. in the pound being found insufficient. the further sum of 1s. in the pound to be raised. Power for commissioners to make avenues to the shire-hall and guildhall in Shrewsbury complete.

CAP. XXV.

An act for obviating all doubts which have arisen, or might arise, with respect to the exclusive power of the court of directors of the East India *company to nominate and appoint the governor general and council of the presidency of* Fort William *in* Bengal.

Preamble. WHEREAS *doubts have arisen whether, on the nomination and appointment of a governor general, or any of the several other members*

members of the council of the presidency of Fort William *in* Bengal, *in the* East Indies, *under and by virtue of an act, passed in the twenty-fourth year of his present Majesty's reign, intituled,* An act for the better regulation and management of the affairs of the *East India* company, and of the *British* possessions in *India*; and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences commited in the *East Indies, his Majesty's approbation of the same, under his sign manual, be by law required, therefore, for removing all doubts respecting the same,* may it please your Majesty that it may be declared and enacted; and be it declared and enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That his Majesty's approbation of the nomination and appointment of the governor general, and of the several other members of the council of the presidency of *Fort William* in *Bengal*, is not, nor shall be necessary to render such appointments respectively good and effectual in law; and that all nominations and appointments of any such governor general, or other member or members of the said council of *Fort William*, by authority of the court of directors of the said company, since the passing of the before-mentioned act, were good, valid, and effectual in the law, notwithstanding his Majesty's approbation of the same was not signified to the said company, or to the court of directors of the said company, under his Majesty's sign manual.

24 Geo. 3. c. 25.

His Majesty's approbation of the appointment of governor general, etc. of Fort William not necessary.

CAP. XXVI.

An act to amend and render more effectual the several laws now in force for encouraging the fisheries carried on at Newfoundland, *and parts adjacent, from* Great Britain, Ireland, *and the* British *dominions in* Europe; *and for granting bounties for a limited time, on certain terms and conditions.*

WHEREAS *the bounties granted to a certain number of vessels employed in the* British *fishery on the banks of* Newfoundland, *by an act passed in the fifteenth year of the reign of his present Majesty, intituled,* An act for the encouragement of the fisheries carried on from *Great Britain, Ireland,* and the *British* dominions in *Europe*; and for securing the return of the fishermen, sailors, and others employed in the said fisheries, to the ports thereof at the end of the fishing season, *will expire on the first day of* January, *one thousand seven hundred and eighty-seven: and whereas, at the expiration thereof, it is expedient that new bounties should be granted, for a limited time, under certain conditions, limitations, and restrictions: and whereas it has been found by experience, that several of the provisions and regulations contained in the laws now in force for encouraging the fisheries, carried on at* Newfoundland, *and parts adjacent, are insufficient to answer the good purposes thereby intended, and that it is requisite that other provisions and regulations should be enacted:* to that end, be it therefore enacted by

15 Geo. 3. c. 31.

Preamble.

the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *January*, one thousand seven hundred and eighty-seven, the respective bounties herein-after mentioned shall be paid and allowed annually, for ten years, to a certain number of ships or vessels employed in the *British* fishery on the banks of *Newfoundland*, under the limitations and restrictions herein-after expressed; that is to say, That such vessels shall appear by their register to be *British*-built, and wholly owned by his Majesty's subjects residing in *Great Britain*, *Ireland*, or the islands of *Guernsey*, *Jersey* or *Man*; and shall be navigated each with a master, and at least three fourths of the mariners being *British* subjects, usually residing in his Majesty's *European* dominions; and shall be in other respects qualified and subject to the same rules and restrictions as are prescribed by an act, made in the tenth and eleventh years of the reign of King *William* the Third, intituled, *An act to encourage the trade to* Newfoundland; and shall be fitted and cleared out from some port in *Great Britain*, or from the islands of *Guernsey*, *Jersey*, or *Alderney*, after the said first day of *January*, one thousand seven hundred and eighty-seven, and after that day in each succeeding year, and shall proceed to the banks of *Newfoundland*; and having catched a cargo of fish upon those banks, consisting of not less than ten thousand fish by tale, shall land the same at any one of the ports on the north, the east, or the south side of the island of *Newfoundland*, between *Cape Saint John* and *Cape Raye*, on or before the fifteenth day of *July* in each year, and shall make one more trip, at least, to the said banks, and return with another cargo of fish catched there, to the same port: in which case, the one hundred vessels which shall first arrive at the island of *Newfoundland* from the banks thereof, with a cargo of fish catched there, consisting of ten thousand fish by tale, at the least, and which, after landing the same at one of the ports within the limits before mentioned in *Newfoundland*, shall proceed again to the said banks, and return to the said island with another cargo of fish, shall if navigated with not less than twelve men each, be intituled to forty pounds each; but if any of the said one hundred vessels, so first arriving as aforesaid, shall be navigated with less than twelve men each, and not less than seven, they shall be intitled to twenty-five pounds each: provided always, That if, in either of the cases before mentioned, any of the one hundred vessels, so first arriving as aforesaid, shall be wholly navigated by men going out upon shares, that is to say, receiving a certain share of the profits arising from the voyage in lieu of wages, such of the said vessels as shall be so navigated by not less than twelve men each, shall be intitled to fifty pounds each; and if so navigated with a less number than twelve men, and not less than seven, shall be intitled to thirty-five pounds each. And further, that the one hundred vessels which shall next so arrive in order of time,

After Jan. 1, 1787, bounties to be given to vessels fitted out from Great Britain, etc. for the Newfoundland fishery,

qualified, etc. agreeable to 10 & 11 Gul. 3, c. 25.

Bounties to be paid the first 100 vessels which shall arrive at Newfoundland with a cargo of fish:

ditto to the second 100 vessels which shall so arrive.

time, on or before the said fifteenth day of *July* in each year, at the said island, with a like cargo, and shall proceed again to the said banks, and return from thence in the manner herein-before mentioned, shall, if navigated with not less than twelve men each, be intitled to twenty-five pounds each; but if such one hundred vessels, so arriving as aforesaid the next in order of time, shall be navigated each with less than twelve, and not less than seven men, they shall be intitled to eighteen pounds each: provided also, That if, in either of the cases last mentioned, any of the vessels so arriving next in order of time as aforesaid, shall be so navigated wholly by men going out upon shares, that is to say, receiving a certain share of the profits arising from the voyage in lieu of wages, such of the said vessels as shall be so navigated by not less than twelve men each, shall be intitled to thirty-five pounds each; and if so navigated with a less number than twelve men, and not less than seven, shall be intitled to twenty-one pounds each; upon the master or owner of every such vessel respectively producing to the collector or other principal officer of his Majesty's customs, at the port in *Great Britain* from whence such vessel was cleared out, or if cleared out from either of the said islands of *Guernsey*, *Jersey*, or *Alderney*, to the collector, or other principal officer of the customs in some port of *Great Britain*, a certificate, under the hand and seal of the governor of *Newfoundland*, that the master of such vessel had produced to him a certificate, under the hands of the collector and comptroller of the customs at the port from whence such vessel was cleared out, or if cleared out from the islands of *Guernsey*, *Jersey*, or *Alderney*, under the hands of the governor, or deputy governor, and principal officer of the customs there, testifying that such vessel was duly qualified to proceed on such fishery in pursuance of the before recited act, made in the tenth and eleventh years of the reign of King *William* the Third; and that it has been made to appear to his satisfaction, by a certificate under the hand and seal of the naval officer of the district in *Newfoundland* where such fish was landed, or, where there is no naval officer, under the hand and seal of the commander of any of his Majesty's ships stationed there, or of such officer as the governor shall approve, specifying the time of such vessel's arrival in manner before directed, that such vessel was intitled, by the priority and time of her arrival, to one or other of the bounties therein mentioned, as the fact may be; and that the master and mate of such vessel had made oath, before such naval or other officer as aforesaid, that the number of fish taken on the first trip amounted to ten thousand at least by tale; that he had made two trips at least, and that all the fish on both trips were catched on the banks of *Newfoundland* by the crew of such vessel only; which certificate and oath the said governor, and naval or other officer as aforesaid, are hereby impowered and required to grant and administer to the master and mate of such vessel, without fee or reward; and upon delivering up the said certificate to such collector, the respective bounties therein mentioned

Certificates to be produced to the collector of customs from the governor of Newfoundland of the qualification of ships, etc.

Masters and mates to make oath.

Collectors of customs to pay the bounties.

tioned shall be paid by such collector in such and the like manner, and out of the same funds, as the bounties herein-before mentioned to have been granted by the said recited act, made in the said fifteenth year of the reign of his present Majesty.

Number of mariners belonging to each vessel to be inserted in the certificate of qualification.

II. And be it further enacted by the authority aforesaid, That in each and every certificate of a ship being duly qualified as aforesaid to proceed on the said fishery, there shall be inserted the real number of the mariners then belonging to such vessel, and intended to be employed in the said fishery, distinguishing how many of them are new or green men, and whether they are hired upon shares, or are to receive wages; which facts are to be verified on the oath of the master of the vessel, made or taken before the person who shall grant the said certificate, and who is hereby authorised and required to administer the same, and to insert such facts in such certificate; and if such vessels shall be cleared out from the said islands of *Guernsey*, *Jersey*, or *Alderney*, then such oath shall be taken before a magistrate of the royal court, in the presence of the principal officer of the customs who shall grant such certificate, the whole to be attested by the governor of each of the said islands respectively; on failure whereof, such vessels shall be excluded from the benefit of this act, and shall not be intitled to or receive any of the bounties herein-before granted.

Certificates given and affidavits taken in Newfoundland, when to be transmitted to the governor.

III. And be it further enacted by the authority aforesaid, That the several certificates to be given and affidavits taken in *Newfoundland* as aforesaid, in order to satisfy the said governor of the said island, as to the facts to ground his certificate thereupon, as herein-before directed, for the payment of the said bounties, shall and are hereby required, within the district of *Saint John's* in the said island of *Newfoundland*, to be transmitted to the said governor at *Saint John's*, before the fifteenth day of *September* in each year, and within any other district in the said island before the thirtieth day of *September* in each year, in order that he may perfectly examine the documents, and thoroughly investigate the same, so as to be able clearly and justly to settle the times of the arrivals as aforesaid of the several and respective vessels, and adjust the different bounties, and to whom they are and ought severally to be paid.

Masters of vessels, previous to receiving the bounties to make oath relative to the number of their men returned.

IV. And be it further enacted by the authority aforesaid, That every master of a vessel, entitled to any of the bounties herein-before granted, shall, before he shall receive the same, or any part thereof, make oath before the collector and comptroller, or other chief officer at the port in *Great Britain* where he shall arrive on his return from the said fishery upon the banks of *Newfoundland*, that all the men belonging to his ship who sailed out with him, or a number of men equal thereto, are returned to *Great Britain*, unless any of his crew shall have died at *Newfoundland* or in the said voyage, either on the passage out or return home, or have deserted without his knowledge or consent, or have been shipped in or on board *British* vessels bound for foreign markets; which facts shall also be verified on

oath

oath by every such master, before the said officers or officer of the customs, who are respectively hereby authorised and required to administer the same.

V. *And whereas, by the said recited act, made in the fifteenth year of the reign of his present Majesty, it is enacted, That no hirer or employer shall pay or advance to any seaman or fisherman, or either of them, during the time he shall be in his service, more than half the wages which shall at any time be due to him: and whereas, in the case of green men, the advance of one half of the wages may not always be sufficient to fit them out and clothe them for the season*; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the hirer or employer of any such green men engaged in the said fishery, to advance to any such green man, during the time he shall be in his service, a sum not exceeding five pounds ten shillings, although the same shall amount to more than one half of the wages which shall be due to him, provided a sum equal to the then current price of a man's passage home, not exceeding forty shillings for each man, be reserved to bear the charge of his return home, as directed by the said before recited act of the fifteenth year of his present Majesty's reign.

What proportion of their wages shall be advanced to green men during the time of their service.

VI. *And whereas in and by the said recited act, made in the fifteenth year of his present Majesty's reign, it is directed, That in case any seaman or fisherman shall at any time wilfully absent himself from his duty or employ, without the leave and consent of his hirer or employer, or the agent of such hirer or employer, or shall wilfully neglect or refuse to work, according to the true intent and meaning of his contract or agreement, he shall, for every day he shall so absent himself or neglect or refuse to work, forfeit two days pay to such owner or employer: and whereas the said penalties have been found insufficient*; be it therefore enacted, That, where any such seaman or fisherman shall so wilfully absent himself from his duty or employ, without the leave or consent of his hirer or employer, or shall wilfully neglect or refuse to work, for the space of one day, he shall, for every day he shall so absent himself, or wilfully neglect or refuse to work, forfeit any number of days pay not exceeding five, as the said governor of *Newfoundland*, or his surrogate, may think just and reasonable; and such forfeiture shall be paid to the hirer or employer of such seaman or fisherman, in recompence for the loss or damage which he may have sustained by means of, or through such absence, neglect of duty, or refusal to work.

Penalty on seamen, etc. absenting themselves from or neglecting their employ.

VII. And be it further enacted by the authority aforesaid, That, before any oil or blubber, imported from *Newfoundland* into *Great Britain*, shall be admitted to entry duty-free, the master, or other person having or taking the charge or command of the ship or vessel importing the same, shall make oath before the collector, or other chief officer of the customs at the port in *Great Britain* into which the said oil or blubber is imported, (who is hereby authorised and required to administer such oath,) that the same, and every part thereof, is really and *bona*

Master to be sworn before oil or blubber admitted to entry duty-free.

bona fide the oil or blubber of fiſh or creatures living in the ſea, actually caught and taken on the banks and ſhores of the iſland of *Newfoundland*, and parts adjacent, wholly by his Majeſty's ſubjects carrying on the ſaid fiſhery from his Majeſty's *European* dominions, and uſually reſiding in the ſaid dominions; any law, cuſtom, or uſage, to the contrary notwithſtanding.

A ſimilar oath to be taken relative to ſeal ſkins.

VIII. And be it further enacted by the authority aforeſaid, That, before any ſeal ſkins, imported from *Newfoundland* into *Great Britain*, ſhall be admitted to entry duty-free, the maſter, or other perſon having or taking the charge or command of the ſhip or veſſel importing the ſame, ſhall make oath before the collector, or other chief officer of the cuſtoms at the port in *Great Britain* into which ſuch ſeal ſkins are imported, (who is hereby authoriſed and required to adminiſter ſuch oath), that the ſame are really and *bona fide* the ſkins of ſeals actually caught and taken on the banks and ſhores of the ſaid iſland of *Newfoundland*, and parts adjacent, wholly by his Majeſty's ſubjects carrying on the ſaid fiſhery from his Majeſty's *European* dominions, and uſually reſiding in the ſaid dominions; any law, cuſtom, or uſage, to the contrary notwithſtanding.

Clauſe relative to oil, etc. purchaſed at Newfoundland and imported from thence into Great Britain.

IX. And be it further enacted by the authority aforeſaid, That, in caſe any oil, blubber, or ſeal ſkins, ſhall be purchaſed in the ſaid iſland of *Newfoundland*, or the parts adjacent, and imported into *Great Britain* from thence, the ſame ſhall and may be admitted to entry duty-free, provided the maſter, or other perſon having or taking the charge or command of the ſhip or veſſel importing the ſame, ſhall make oath of all and every the particulars reſpecting the purchaſe thereof, before the collector or other chief officer of the cuſtoms at the port in *Great Britain* into which ſuch oil, blubber, or ſeal ſkins, are imported, (who is hereby authoriſed and required to adminiſter ſuch oath); and ſhall produce and deliver to ſuch collector, or other chief officer, a certificate, under the hand and ſeal of the naval officer of the diſtrict in *Newfoundland* where ſuch oil, blubber, or ſeal ſkins, were purchaſed; or if there ſhall not be any naval officer at ſuch place, then under the hand and ſeal of the commander of any of his Majeſty's ſhips, ſtationed there, teſtifying that oath had been made before him, (who is hereby authoriſed and required, in ſuch caſe, to adminiſter the ſame), by the perſon or perſons who actually caught the fiſh from which the oil, blubber, or the ſeals from which the ſkins mentioned in ſuch certificate was produced or came, that ſuch oil or blubber was really and *bona fide* the oil or blubber of fiſh or creatures living in the ſea, or that ſuch ſkins were really and *bona fide* the ſkins of ſeals, actually caught and taken on the banks and ſhores of the iſland of *Newfoundland*, and parts adjacent, wholly by his Majeſty's ſubjects carrying on the ſaid fiſhery from his Majeſty's *European* dominions, and uſually reſiding in the ſaid dominions: and provided ſuch maſter, or other perſon having or taking the charge or command of the ſhip or veſſel ſo importing ſuch oil, blubber, and ſeal ſkins, ſhall alſo make oath,

before

before ſuch collector or other chief officer, (who is hereby authoriſed and required to adminiſter the ſame), that the oil, blubber, or ſeal ſkins ſo imported, are the ſame oil, blubber, or ſeal ſkins, mentioned and referred to in the ſaid certificate.

Bond to be given to his Majeſty for payment of the old ſubſidy, etc. on the importation of ſalt.

X. And be it further enacted by the authority aforeſaid, That, upon the importation of any foreign ſalt into this kingdom from any place from whence, and in the manner in which ſuch ſalt may be legally imported, the importer or proprietor of ſuch ſalt ſhall be at liberty to give bond to his Majeſty, his heirs and ſucceſſors, for the payment of the duty commonly called *The Old Subſidy*, and all further ſubſidies, impoſts, and duties, due and payable to and for the cuſtoms upon ſuch ſalt, within the ſpace of twelve calendar months from the date of ſuch bond, but without any diſcount or allowance for prompt payment of the ſaid duties, or either of them; which bond the collector and comptroller of his Majeſty's cuſtoms at the port of importation are hereby authoriſed to take in his Majeſty's name, and thereupon to permit ſuch ſalt to be entered and landed in the uſual manner; and if ſuch ſalt ſhall be exported again within the ſaid ſpace of twelve calendar months, the bonds which ſhall have been given for the ſaid duties thereon, ſhall be cancelled and diſcharged; and in caſe the full duties payable to the cuſtoms for ſuch ſalt ſhall have been paid at or before the expiration of the ſaid twelve calendar months, and ſuch ſalt ſhall be afterwards exported into foreign parts within the time allowed by law, a drawback of all the ſaid duties which were ſo paid ſhall be allowed in the ſame manner as the former drawback of the cuſtoms upon the exportation of ſalt was, could, or might be paid; and ſuch ſalt ſhall be ſubject and liable to the ſame rules, regulations, reſtrictions, ſecurities, penalties, and forfeitures, (except where any alteration is made by this act), as ſuch ſalt was ſubject and liable to by any act or acts of parliament in force before the making of this act.

Such bonds to be cancelled, etc. on exportation thereof within 12 months.

Not to uſe any ſean or net for catching cod whoſe meſh is leſs than four inches in dimenſion.

XI. And be it further enacted by the authority aforeſaid, That it ſhall not be lawful to or for any perſon or perſons concerned or employed in carrying on the ſaid fiſhery, or for any ſeaman or fiſherman hired for the purpoſe of carrying on the ſaid fiſhery, to uſe, or cauſe to be made uſe of, on the ſhores of the ſaid iſland of *Newfoundland*, any ſean or net of any kind or deſcription whatſoever, for the purpoſe of catching cod fiſh by hauling ſuch ſean or net on ſhore, or tucking ſuch ſean or net into any boat or boats, the ſcale or meſh of which ſaid ſean or net ſhall be leſs in dimenſion than four inches, under the penalty of forfeiting the ſum of one hundred pounds for every ſuch offence; which offence may be heard and determined, and the penalty hereby incurred ſhall and may be recovered in the court of ſeſſion of the ſaid iſland, provided that ſuch offence be complained of within the ſpace of three calendar months after the commiſſion of the ſame.

XII. *And whereas it is eſſential to the naval ſtrength of* Great Britain, *that the deſertion of ſeamen and fiſhermen employed in the fiſhery*

fishery of Newfoundland, *and the parts adjacent, should be prevented: and whereas, by reason of their superior skill as seamen and fishermen, and as artificers of the implements and utensils necessary to the carrying on of such fisheries, they are, by great temptations, exposed to be seduced into the service and employ of the subjects of foreign states: and whereas the regulations and provisions made in and by an act, passed in the fifteenth year of his present Majesty's reign, hereinbefore mentioned, are not sufficient to prevent the desertion of such seamen and fishermen to the service of the subjects of foreign states;*

If any British seaman, etc. shall desert or agree to desert from Newfoundland, with intent to enter into the service of any foreign state, he may be committed, etc.

be it therefore enacted by the authority aforesaid, That if any seaman or fisherman, hired or employed in the carrying on of the said fishery, shall desert from the said island of *Newfoundland*, or from the said fishery, with intent to enter into the service of any foreign state, or of any of the subjects of any foreign state, or shall have in any wise agreed so to absent himself or desert with such intent, or shall have actually entered into such service as aforesaid, it shall and may be lawful to and for the governor of *Newfoundland*, or his surrogates, or for the judge of the vice admiralty court for the time being, or for any justice of the peace in *Newfoundland* respectively, to issue his or their warrant or warrants to apprehend such person so deserting, or having agreed to desert as aforesaid, and on the oath or oaths of one or more credible witness or witnesses, to commit him to prison, there to remain until the next court of session which shall be holden in pursuance of the commission of the governor for the time being; and if found guilty of the said offence at such session, that it shall and may be lawful to and for the said court of session to order such deserter as aforesaid to be detained in prison, without bail or mainprize, for any time not exceeding three months, in case he shall have come from his Majesty's *European* dominions for the purpose of carrying on the fisheries aforesaid.

and sent home:

XIII. Provided always, and be it enacted by the authority aforesaid, That it shall and may be lawful for such governor, within the space of three months, if he shall see fit, or as soon after as conveniently may be, to cause every such person so having deserted, or agreed to desert, to be put on board a passage ship or vessel, in order to his being conveyed back to the country to which he belonged, and for which the master, or other person having or taking the charge or command of such ship or vessel, shall be paid in manner herein-after mentioned; and every master, or other person having or taking the charge or command of such passage ship or vessel, shall be, and is hereby required to take on board such and so many of such persons as the said governor shall direct, not exceeding four for each one hundred tons of the tonnage of such ship or vessel, and so in proportion for every such ship or vessel under one hundred tons: provided nevertheless, That no person shall be so put on board of any ship or vessel which shall not be of the burthen of forty tons: but if any person or persons convicted of deserting or agreeing to desert as aforesaid, shall not have come

but if not from his Majesty's Euro-

from

from his Majesty's *European* dominions for the purpose of carrying on the fisheries aforesaid, then, and in such case, that it shall and may be lawful for the said court of session to commit such person or persons to prison, there to remain, without bail or mainprize, for any time not exceeding twelve calendar months.

pean dominions he may be imprisoned for 12 months.

XIV. *And whereas it is of great importance to the trade, manufacture, and navigation of* Great Britain, *and of his Majesty's dominions in* Europe, *that all trade and mercantile intercourse between his Majesty's subjects, residing or carrying on fishery in the island of* Newfoundland *with the subjects of any foreign state, should be prohibited: and whereas it is essentially necessary to the preservation of the benefits arising from the fishery aforesaid, to prevent the sale of any ships, vessels, or boats, or of the tackle, apparel, or furniture of the same, and of all and all manner of utensils and implements, which are or may be used in catching and curing fish, and also of all articles and commodities of the growth, produce, and manufacture of the said island of* Newfoundland, *to the subjects of any foreign state, or to any other than the subjects of his Majesty, his heirs and successors, and also to prohibit the purchase of any goods or commodities whatsoever, from the subjects of any foreign state*; be it therefore enacted by the authority aforesaid, That it shall not be lawful for any person or persons, residing in or carrying on fishery in the said island of *Newfoundland*, or on the banks thereof, there to sell, barter, or exchange, any ship, vessel, or boat, of what kind or description soever, or any tackle, apparel, or furniture, used or which may be used by any ship, vessel, or boat; or any seans, nets, or other implements or utensils, used or which may be used in catching or curing fish, or any kind of bait whatsoever used or which may be used in the catching of fish; or any kind of fish, oil, blubber, seal skins, peltry, fuel, wood, or timber, to or with any person or persons whatsoever, other than the subjects of his Majesty, his heirs and successors.

Fishermen at Newfoundland not to sell or barter any vessel, etc. to or with any foreigner.

XV. And be it further enacted by the authority aforesaid, That if any person or persons, residing or carrying on fishery in the said island of *Newfoundland*, shall there sell, barter, or exchange, or cause to be sold, bartered, or exchanged, or shall endeavour to sell, barter, or exchange, or shall be aiding or assisting in selling, bartering, or exchanging, or causing to be sold, bartered, or exchanged, any such ship, vessel, boat, or any tackle, apparel, or furniture, used or which may be used for the purpose of navigating any ship, vessel, or boat; or any seans, nets, or other implements or utensils, used or which may be used in catching or curing fish; or any kind of bait whatsoever used or which may be used in catching fish; or any fish, oil, blubber, seal skins, fuel, wood, or timber, to any person or persons, being the subjects of any foreign state, it shall and may be lawful to and for the governor of *Newfoundland*, or his surrogates, or for any justice of the peace in *Newfoundland*, to issue his or their warrant or warrants to apprehend every such offender, and, on the oath of one or more credible witness or witnesses, to commit

Offenders herein to be committed;

mit him to prison, there to remain until the next court of session which shall be holden in pursuance of the commission of the said governor for the time being; and all and every such person or persons, if found guilty of the said offence at such session, shall forfeit and pay treble the value of the articles so sold or caused to be sold, or attempted to be sold as aforesaid, or bartered or taken in exchange, or in the selling, bartering, or exchanging of which, or causing to be sold, bartered, or exchanged, such person or persons was or were aiding or assisting, and the same shall be levied of the offender's goods and chattels, by warrant to be granted by the said court of session for that purpose; and in case no goods upon which such distress can be made shall be found, then it shall and may be lawful for the said court to order such person or persons to be punished and dealt with in the same manner as is herein-before directed with respect to deserters or persons agreeing to desert.

and to forfeit treble the value of the articles sold, etc.

XVI. *And whereas it is highly injurious to the trade and manufactures of his Majesty's dominions in* Europe, *that persons residing or carrying on fishery in the island of* Newfoundland, *or parts adjacent, or on the banks of the said island of* Newfoundland, *should be supplied with any goods or commodities whatsoever by the subjects of any foreign state*; be it therefore enacted by the authority aforesaid, That no person or persons, residing or carrying on fishery in the island of *Newfoundland*, or parts adjacent, or on the banks of the said island of *Newfoundland*, shall there purchase, or take in exchange, or by way of barter, or cause to be purchased, or taken in exchange, or by way of barter, or be aiding or assisting in the purchasing, bartering for, or taking in exchange, any goods or commodities whatsoever, from any person or persons being a subject or subjects of any foreign state; and that every person or persons residing or carrying on fishery in the said island of *Newfoundland*, or parts adjacent, or on the banks of the said island of *Newfoundland*, who shall there purchase, barter for, or take in exchange, or shall cause to be purchased, bartered for, or taken in exchange, any such goods or commodities in manner aforesaid, shall be apprehended and committed to prison, and, on due conviction before the court of session, shall forfeit treble the value of such goods or commodities so purchased, or taken in barter, or exchange, or procured to be purchased, or taken in barter or exchange, or in the purchase, barter, or taking of which in exchange, such person shall have been aiding or assisting, and the same shall be levied of the offender's goods and chattels, by warrant to be granted by the said court of session for that purpose; and in case no goods upon which such distress can be made shall be found, then it shall and may be lawful for the said court to order such person or persons to be punished and dealt with in the same manner as is herein-before directed with respect to deserters or persons agreeing to desert.

Such fishermen not to purchase any goods of, or to barter with foreigners for the same.

Offenders to be committed, and to forfeit treble the value of the goods.

Not to extend to the impor-

XVII. Provided always, That nothing herein contained shall extend, or be construed to extend, to hinder or prevent

bread,

bread, flour, *Indian* corn, and live stock, from being imported into the said island of *Newfoundland* in certain *British* vessels, in pursuance of an act passed in this present session of parliament. tation of bread, etc.

XVIII. And be it further enacted by the authority aforesaid, That the sum for which the said governor shall agree with the master, or other person having or taking the charge or command of any ship or vessel, for the passage of any person or persons from the said island, to the place or places to which he or they belonged, shall in no case exceed the sum of forty shillings for each person, and shall be paid to the master of such ship or vessel out of the monies which shall arise from forfeitures incurred for any offence committed against this act, or the acts herein-before recited, upon such master producing, to the said court of session, a certificate, under the hand and seal of such governor, of the numbers and names of the persons respectively taken on board by his direction, and of the times they were taken on board respectively, and the several sums agreed to be paid as aforesaid; which sums the court of session are hereby required to cause to be paid to such master, if sufficient funds for that purpose shall remain in the hands of the said court. No more than 40s. to be paid for the passage of any person from Newfoundland, etc.

XIX. And be it also enacted by the authority aforesaid, That if no sufficient fund for the payment of any sum or sums, so agreed upon as aforesaid, shall remain in the hands of the said court of session, then and in such case every such master, or other person having or taking the charge or command of such ship or vessel, who shall have taken on board any number of persons by order of the governor, in manner herein-before directed, upon producing a certificate under the hand and seal of the said governor, in manner herein-before directed, and making an affidavit at his return, setting forth the time during which he subsisted such person or persons, and that he did not, during that time, want any of his own complement of men, or how many he did want of such complement, and for what time, shall receive from the commissioners of the navy for the time being (who are hereby required to cause the same to be paid) sixpence *per diem* for the passage and provisions of such person or persons from the day of their embarkation homewards to the day of their arrival in *Great Britain*, the said sum of sixpence *per diem* only being deducted for such time and so many persons as he wanted of his complement during his voyage. Such payments in case of a deficiency in the fund for that purpose, to be made by the commissioners of the navy.

XX. *And whereas it is enacted, in and by an act passed in the fourth year of his present Majesty's reign, intituled,* An act for granting certain duties in the *British* colonies and plantations in *America*; for continuing, amending, and making perpetual, an act passed in the sixth year of the reign of his late majesty King *George* the Second, intituled, *An act for the better securing and encouraging the trade of his Majesty's sugar colonies in* America; for applying the produce of such duties, and of the duties to arise by virtue of the said act, towards defraying the expences of defending, protecting, and securing the said colonies and plantations; for Recital of 4 Geo. 3. c. 15.

for explaining an act made in the twenty-fifth year of the reign of King *Charles* the Second, intituled, *An act for the encouragement of the* Greenland *and* Eastland *trades, and for the better securing the plantation trade*; and for altering and disallowing several drawbacks on exports from this kingdom, and more effectually preventing the clandestine conveyance of goods to and from the said colonies and plantations, and improving and securing the trade between the same and *Great Britain*; *That if any* British *ship or vessel shall be found standing into, or coming out from, either of the islands of* Saint Pierre *and* Miquelon, *or hovering or at anchor within two leagues of the coast thereof, or shall be discovered to have taken any goods or merchandizes on board at either of them, or to have been there for that purpose, such ship or vessel, and all the goods so taken on board there, shall be forfeited and lost, and shall and may be seized and prosecuted by any officer of his Majesty's customs; and the master, or other person having the charge of such ship or vessel, and every person concerned in taking such goods on board, shall forfeit treble the value thereof: and whereas the provisions of the said recited act may not be sufficient to effectuate the good purposes thereby intended, or to prevent the export or sale of ships, vessels, and boats, and of all other the goods and commodities herein-before enumerated and prohibited to be sold to the subjects of any foreign state, or the purchase and import of the goods and commodities of such foreign states*; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for all and every officer or officers, having the command of any of his Majesty's ships stationed at the island of *Newfoundland*, to stop and detain all and every ship, vessel, or boat, of what nature or description soever, coming to, or going from the said island, and belonging to, or in the service or occupation of any of his Majesty's subjects residing in, trafficking with, or carrying on fishery in the island of *Newfoundland*, parts adjacent, or on the banks of the said island of *Newfoundland*, which he shall have reason to suspect to be going to, or coming from, the islands of *Saint Pierre* or *Miquelon*, for the purposes before mentioned, in any place within the limits of their station, and to detain, search and examine, such ship, vessel, or boat; and that if, upon such search or examination, it shall appear to such officer or officers that there is reasonable ground to believe that such ship, vessel or boat, or any tackle, apparel, or furniture, used, or which may be used, by any ship, vessel, or boat, or any implements or utensils used, or which may be used, in the catching or curing of fish, or any fish, oil, blubber, seal skins, fuel, wood, or timber, then on board of such ship, vessel, or boat, was or were intended to be sold, bartered for, or exchanged, to the subjects of any foreign state, or shall be discovered to have been so sold, bartered for, or exchanged; or if any goods or commodities whatsoever shall be found on board such ship, vessel, or boat, or shall be discovered to have been on board, having been purchased or taken in barter or exchange from the subjects of any foreign state; then, and in every such case, to seize and send back such ship, vessel, or boat,

Officers of his Majesty's ships stationed at Newfoundland may detain suspected vessels, and search them:

and if any contraband goods are found on board, such vessels and

boat, to the island of *Newfoundland*; and that such ship, vessel, or boat, and such goods and commodities so found on board, shall, upon due condemnation, be forfeited and lost, and shall and may be prosecuted for that purpose, by the officer or officers so seizing the same, in the vice admiralty court of the said island of *Newfoundland*; such forfeiture to be given, one moiety to the said officer or officers, and the other moiety to the governor of *Newfoundland* for the time being, to be applied, under the direction of such governor, in defraying the passages home of such person or persons as by this or any former act are directed to be sent back to the country to which they belong. Goods shall be forfeited.

XXI. And be it further enacted by the authority aforesaid, That, in case any libel, information, or other suit or proceeding whatsoever, shall be commenced and brought to trial, in the court of vice admiralty in the said island of *Newfoundland*, on account of the seizure of any ship, vessel, boat, or goods, for the condemnation of the same, for any of the causes herein-before mentioned, wherein a decree shall be pronounced for or in favour of the defendant or defendants, claimer or claimers thereof, and it shall appear to the judge or court, before whom the same shall be tried, that there was a probable cause for seizing the said ship, vessel, boat, or goods, the judge before whom the said cause shall be tried shall certify on the record that there was a probable cause for the seizing of the said ship, vessel, boat, or goods; a copy of which certificate shall be delivered to the prosecutor, under the hands and seals of such judge or judges; and that, in such case, the defendant shall not be entitled to any costs of suit whatsoever, nor shall the person or persons who seized such ship, vessel, boat, or goods, be liable to any action, indictment, or other prosecution, on account of such seizure; and that if any action, indictment, or prosecution, shall be brought or preferred against any person or persons, who shall have obtained such copy of such certificate as aforesaid, in any of his Majesty's courts in *Great Britain*, such copy shall be admitted in evidence on behalf of the defendant or defendants, and shall have the like force and effect as the certificate on record would have had in the case of such action, indictment, or other prosecution, being brought or preferred in the island of *Newfoundland*. Clause relative to suits in Newfoundland on account of the seizure of vessels, etc.

XXII. And be it also enacted by the authority aforesaid, That if any action, indictment, or other prosecution, shall be commenced and brought to trial against any person or persons whatsoever, on account of the seizure of any such ship, vessel, boat, or goods, wherein a verdict shall be given against the defendant or defendants, if the court or judge before whom such action or prosecution shall be tried shall certify on the record that there was a probable cause of such seizure, that the plaintiff, besides his ship, vessel, boat, or goods, so seized, or the value thereof, shall not be intitled to above two-pence damages, nor to any costs of suit, nor shall the defendant in such prosecution be fined above one shilling. Plaintiff gaining a verdict shall not be intitled to costs, if there was probable cause of seizure.

Limitation of actions.

XXIII. And it is hereby further enacted by the authority aforesaid, That if any person or persons shall, at any time or times, be sued or prosecuted for any thing by him or them done or executed in pursuance of, or by colour of this act, or of any matter or thing in this act contained, such action or prosecution shall be commenced within the space of three months after the offence shall have been committed; and in case the person or persons making such seizure as aforesaid shall have quitted the said island of *Newfoundland* before the expiration of three months from the time of the offence committed, then that such action or prosecution shall be commenced within

General issue.

three months after his or their return to *Great Britain*; and such person or persons shall and may plead the general issue, and give this act and the special matter in evidence for his and their defence, and that the same was done in prosecution and by authority of the said act: and if it shall appear so to have been done, then the court shall adjudge and decree, or the jury shall find in the courts of *Great Britain* or *Newfoundland* respectively, for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action, libel, or other proceedings in the courts of *Great Britain* or *Newfoundland*, after the defendant or defendants hath or have appeared, or if judgement shall be given upon any verdict or demurrer against the

Treble costs.

plaintiff, the defendant or defendants shall recover treble costs, and have the like remedy for the same as the defendant or defendants hath or have in other cases by law.

Fines and forfeited goods, &c. how to be applied.

XXIV. And be it further enacted by the authority aforesaid, That all and every the fines or penalties inflicted by this act, or by the acts herein-before recited, and to be levied upon the seamen or fishermen, except those for neglect of duty; and that such ships, vessels, or goods, as shall be seized, condemned, and forfeited as before mentioned, except such the distribution whereof is otherwise directed by this act, shall be given, one moiety to the informer, and the other moiety to the governor of *Newfoundland* for the time being, to be applied, under the direction of such governor, in defraying the passages home of such person or persons as by this or any former act are directed to be sent back to the country to which they belong.

Part of the act of 15 Geo. 3. repealed.

XXV. And be it further enacted by the authority aforesaid, That so much of the said recited act of the fifteenth year of the reign of his present Majesty, as gives any jurisdiction to the court of vice admiralty for the said island of *Newfoundland* with respect to enquiring into and determining disputes concerning the wages of any seamen or fishermen, or any offence committed by any hirer or employer of such seamen or fishermen, or any controversies or differences arising from their contracts or agreements, shall be, and the same is hereby repealed.

The recited acts (except, &c.) to remain in force.

XXVI. And be it further enacted by the authority aforesaid, That all and every the clauses, matters, and things in the said herein before recited acts contained, which are not altered or repealed by this present act, shall continue and remain in full force.

CAP.

CAP. XXVII.

An act for authorising the lord chief baron, and remanent barons of the court of exchequer in Scotland, *out of the unappropriated money arising from the forfeited and lately annexed estates in* Scotland, *to pay a certain sum to the society in* Scotland *for propagating christian knowledge, for the purposes, and under the conditions therein mentioned.*

Preamble.

WHEREAS *by an act, made in the twenty-fifth year of the reign of his late majesty King* George *the Second, intituled,* An act for annexing certain forfeited estates in *Scotland* to the crown unalienably, and for making satisfaction to the lawful creditors thereupon; and to establish a method of managing the same, and applying the rents and profits thereof for the better civilizing and improving the *Highlands of Scotland*, and preventing disorders there for the future; *all and every the lands and estates which were then in the hands of his Majesty by the attainder of* Simon *late lord* Lovat, *and certain other persons therein named, were declared to be unalienably annexed to the imperial crown of these realms; and it was declared lawful for his Majesty, his heirs and successors, by commission under the privy seal of* Scotland, *to authorise commissioners and trustees for managing the said estates, and applying the produce thereof: and whereas his said late Majesty, and his present Majesty, did, in pursuance of the said act, from time to time, by commissions under the said privy seal of* Scotland *authorise the persons therein severally named as commissioners and trustees to manage the said estates, and apply the produce thereof; and the said commissioners did, among other things in execution of the trust, establish schools in different places in the remote parts of the* Highlands of Scotland, *and grant annual salaries to the persons appointed teachers in the said schools, payable from the rents and produce of the said forfeited estates: and whereas by an act, passed in the fourteenth year of his present Majesty's reign, intituled,* An act to enable his Majesty to grant unto major general *Simon Fraser* the lands and estate of the late *Simon* lord *Lovat*, upon certain terms and conditions, *the said act of the twenty-fifth year of his late Majesty was repealed, in as far as related to the estate which formerly belonged to the said* Simon *late lord* Lovat, *which was thereby disannexed from the crown, and was afterwards granted by his Majesty to the said major general* Simon Fraser: *and whereas by an act passed in the twenty-fourth year of his present Majesty's reign, intituled,* An act to enable his Majesty to grant to the heirs of the former proprietors, upon certain terms and conditions, the forfeited estates in *Scotland*, which were put under the management of a board of trustees by an act passed in the twenty-fifth year of the reign of his late majesty King *George* the Second, and to repeal the said act, *the said act of the twenty-fifth year of his said late Majesty was repealed, in as far as respected the other forfeited estates, besides the estate of the said* Simon *late lord* Lovat; *and it was enacted,*

25 Geo. 2. c. 41.

14 Geo. 3. c. 22.

24 Geo. 3. c. 57.

That it should and might be lawful to his Majesty, his heirs and successors, to give, grant, and dispone, to the persons therein named and described, being the representatives of the persons who forfeited the said several forfeited estates, upon their severally paying into the court of exchequer in Scotland *the several and respective sums of money in the said act mentioned at the times therein specified; and certain sums, part of the money so directed to be paid into the said court of exchequer, were appropriated by the said act for the purposes and to the use of the persons and societies therein mentioned; and it was enacted, That in case the sums to be paid into the said court, in consideration of the said annexed forfeited estates being restored, should not be exhausted by the several applications or appropriations in the said act specified, the balance of the money so to be paid in should remain under the care of the said court of exchequer in* Scotland, *to be lodged in one or other of the publick banks, or publick funds, subject to the future disposition of parliament: and whereas no provision was made by the said act for continuing the schools in the remote parts of the* Highlands of Scotland, *which were established by the commissioners and trustees of the said forfeited estates, or for continuing the salaries of the teachers of the said schools, whereby, and unless provision is now made, the good effects of such establishments will be lost to the publick, and a number of industrious and well deserving persons, who have for many years been teachers of the said schools, will be reduced to distress and indigence: and whereas the society in* Scotland *for propagating christian knowledge incorporated by royal charter, did lately present a memorial to the lords commissioners of his Majesty's treasury, representing the state of the said established schools, and particularly that the salaries of the teachers did amount in whole to the annual sum of two hundred and ninety-nine pounds, fourteen shillings: that it appeared to the society, that certain of the said schools, the salaries of the teachers whereof amounted to the yearly sum of one hundred and thirteen pounds, might be discontinued: that certain other of the said schools might be discontinued after the deaths of the present teachers, whose salaries amounted to the annual sum of forty-eight pounds, and who must be reduced to beggory if deprived of their salaries; and that the remaining number of the said established schools ought to be continued,* videlicet, *the schools established at* Strelitz, Craigniech, Glenartney, *and* Lochearnside, *upon the estate of* Perth; *the school established at* Strathyre, *upon the estate of* Amprior; *the school established at* Lochgary; *the schools established at* Kinlochrannoch, Finnart, Glenorchty, *and* Camagren, *and* Carrie, *upon the estate of* Strowan; *the schools established at* Kinlocharkaig, Mamore, *and* Strathlochie, *upon the estate of* Lochiel; *the school established at* Clunie; *the school established at* Corgach, *upon the estate of* Cromarty; *and the school established in the island of* South Uist; *the salaries of the teachers of which schools amounted to the annual sum of one hundred and thirty-eight pounds, fourteen shillings: that as the principal object of the said society was to establish and superintend schools in the* Highlands of Scotland, *they conceived it might be proper to commit to them the care of such of the schools established by the late commissioners of the annexed estates, as it was thought proper*

Society for propagating christian knowledge in the highlands presented a memorial to the treasury.

to

to continue; but as the society had gone the utmost lengths their funds would allow in paying the salaries of the teachers of one hundred and eighty-three schools by them established, they could not undertake the burden of more without a reasonable allowance being made by the publick; and that, upon such allowance, the society would engage to pay the salaries of the teachers appointed by the late commissioners before mentioned as amounting to forty-eight pounds yearly, during the lives of the present teachers, and to continue the schools mentioned in the said memorial and above as proper to be continued, and pay the salaries of the teachers thereof in time coming, according to the regulations of the society: and whereas the said proposal is reasonable and beneficial to the publick, and the said society merit encouragement for their laudable endeavours to promote virtue, loyalty, and industry in the inhabitants of the Highlands; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the lord chief baron, and remanent barons of his Majesty's court of exchequer in *Scotland*, or any three of them for the time being, and they are hereby directed and required, as soon as there is a sufficient sum paid into the said court from the money directed by the said act passed in the twenty-fourth year of his present Majesty's reign, to be paid by the persons to whom the several forfeited, and lately annexed estates are to be restored or granted, over and above what shall satisfy the purposes and appropriations by the said act specially directed, and before any other purpose or appropriation, to pay, or cause to be paid, into the hands of the treasurer or cashier of the said incorporated society in *Scotland* for propagating christian knowledge, or into the hands of any other person or persons whom the said society shall appoint to receive the same, for the use of the said society, the sum of two thousand five hundred pounds lawful money of *Great Britain*, free of all deductions whatsoever; and the receipt or receipts of the said treasurer or cashier, or of the person or persons so to be appointed by the society, for the said sum of two thousand five hundred pounds, or for any part thereof, shall be a sufficient voucher to the barons for the sum or sums thereby acknowledged to be received, and be taken as evidence of their having issued and expended so much of the money paid into court in pursuance of the said act, in all cases whatsoever; and for that purpose the said barons, or any three of them, shall, from time to time, issue their warrants to the banks, or to the person or persons in whose hands the said money shall happen to have been lodged or deposited after being paid into court as aforesaid.

Barons of exchequer in Scotland to pay to the treasurer of the society the sum of 2,500l.

II. Provided always, That at or before paying the said sum to the said society, the barons of the said court of exchequer shall take from the said society such obligation or engagement in writing, under their seal, as shall appear to the said barons, or any three of them, necessary and proper for the said society's paying, or continuing to pay, the salaries to the teachers intended

Barons of the said court to take from the society an obligation for continuing to pay the salaries of teachers during their lives.

ed to be paid to them during their reſpective lives, as is above mentioned, and for their continuing and keeping up the ſchools intended as aforeſaid to be kept up, and for their paying the proper and uſual ſalaries to the teachers preſent and to come of the ſaid ſchools.

CAP. XXVIII.

An act for providing a proper workhouſe, and better regulating the poor, within the pariſh of Romford, in the liberty of Havering Atte Bower, in the county of Eſſex.—May borrow 3,500l. at intereſt, and pay off 100l. per ann.

CAP. XXIX.

An act to enable his Majeſty to licence a play-houſe within the town and port of Margate, in the iſle of Thanet, in the county of Kent, under certain reſtrictions therein limited.—May act from June 15, to the laſt day of October, yearly.

CAP XXX.

An act to enable the company of proprietors of the Coventry canal navigation to complete the ſaid canal to Fradley Heath, in the county of Stafford; and for other purpoſes therein mentioned.

Coventry company impowered to borrow a further ſum of 40,000l. and to aſſign the navigation as a ſecurity. Mortgages to be regiſtered, and may be aſſigned. Intereſt of the money borrowed to be paid prior to any dividends to the company; and may be paid out of the principal, until the canal is completed. Dividends limited to 3 per cent. till the canal is completed. Proprietors may become poſſeſſed of thirty ſhares.

CAP. XXXI.

An act for veſting certain ſums in commiſſioners, at the end of every quarter of a year, to be by them applied to the reduction of the national debt.

Moſt gracious Sovereign,

Preamble. WHEREAS *by ſeveral acts of parliament, heretofore made and paſſed, it was enacted, That all the monies which at the end of any quarter of a year ſhould or might ariſe from the reſpective ſurpluſſes, exceſſes, and overplus monies of the ſeveral publick funds in the ſaid acts deſcribed, ſhould be appropriated, reſerved, and employed as a ſinking fund, to and for diſcharging the principal and intereſt of the national debts and incumbrances, and to or for no other uſe, intent, or purpoſe whatever: and whereas, for the want of ſufficient proviſions for the conſtant application of the ſaid monies, according to the true intent of the ſaid acts, the good purpoſes thereof have not been fulfilled: and whereas, by the great increaſe of the national debt, it is now become neceſſary to eſtabliſh a permanent plan for the reduction of the ſame:* we, your Majeſty's moſt dutiful and loyal ſubjects, the commons of *Great Britain* in parliament aſſembled, being deſirous of making a laſting proviſion for the maintenance of the publick credit, do moſt humbly pray your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty,

majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That at the end of the two quarters of a year, which will end on the fifth day of *July* and the tenth day of *October*, respectively, in the year one thousand seven hundred and eighty-six, and at the end of every quarter of a year, ending the fifth day of *January*, the fifth day of *April*, the fifth day of *July*, and the tenth day of *October*, respectively, in every succeeding year, there shall be issued or set apart at his Majesty's receipt of exchequer, pursuant to the several acts in that behalf made and provided, out of the surpluses, excesses, and overplus monies composing the aforesaid sinking fund, a sufficient sum to make good, to the day on which such quarter shall end, all such interests or annuities, or parts of interests or annuities, or deficiencies of funds provided for the payment of interests or annuities, as shall be specially charged on the said sinking fund; and that after such sum shall have been so issued or set apart, there shall then be farther set apart, in the said receipt of exchequer, out of the surpluses, excesses, and overplus monies composing the said sinking fund, a sum of two hundred and fifty thousand pounds, or such part thereof as the said surpluses, excesses, and overplus monies then remaining in the said receipt of exchequer shall be sufficient to satisfy.

250,000l. to be set apart quarterly out of the surpluses of the sinking fund, etc.

II. And be it further enacted by the authority aforesaid, That if at the end of any such quarter of a year, after issuing or setting apart the sums necessary to make good to the day on which such quarter shall end, all such interest or annuities, or parts of interests or annuities, or deficiencies of funds provided for the payment of interests or annuities, as shall be specially charged on the said sinking fund, there shall not remain in the receipt of his Majesty's exchequer, monies, arising out of the surpluses, excesses, and overplus monies composing the said sinking fund, sufficient to provide for the payment of the before-mentioned sum of two hundred and fifty thousand pounds, the amount of the deficiency shall be carried forward as a charge on the monies which shall remain in the receipt of his Majesty's exchequer out of the said surpluses, excesses, and overplus monies, after issuing or setting apart the sums herein-before directed to be previously issued or set apart, at the end of the next and every other succeeding quarter in the same year, until such deficiency shall have been made good, every such year being computed from the fifth day of *January* to the fifth day of *January* following.

How to proceed in case of a deficiency in the said surpluses.

III. And be it further enacted by the authority aforesaid, That all monies which shall remain in the receipt of his Majesty's exchequer, out of the said surpluses, excesses, and overplus monies, at the end of any quarter of a year ending as aforesaid, or at the end of any year computed as aforesaid, after issuing or setting apart the several sums herein-before directed to be previously issued or set apart, shall be applied to the above mentioned purposes in the order following; (that is to say),

Surpluses remaining (after former incumbrances provided for) how to be applied.

That at the end of any quarter of a year ending as aforesaid, the said monies shall first be applied to make good any deficiency or deficiencies (if any such there shall have been) in the payment of the sum of two hundred and fifty thousand pounds, due at the end of any preceding quarter or quarters of a year within the same year, computed as aforesaid, in the order in which such deficiency or deficiencies shall have arisen; and that so much of the said monies as shall remain in the receipt of his Majesty's exchequer at the end of any such quarter of a year, after such deficiency or deficiencies shall have been so made good, shall be applied to the payment of the sum of two hundred and fifty thousand pounds due at the end of such quarter, or to the payment of such part thereof as the same shall be sufficient to satisfy.

Deficiencies at the end of any year to be made good out of the supplies granted the same year.

IV. Provided always, and be it enacted by the authority aforesaid, That if at any time it should happen, that at the end of the year ending the fifth day of *January*, one thousand seven hundred and eighty-seven, or at the end of any future year, computed as aforesaid, after provision shall have been made for all payments for which monies are previously to be set apart or issued according to the directions of this act, the said surpluses, excesses, and overplus monies, composing the sinking fund, shall not be sufficient to make good as well all such deficiencies as shall have arisen during such year, as the payment of the sum of two hundred and fifty thousand pounds then due, in every such case, the amount of such deficiency or deficiencies, whether the same shall have arisen in any preceding quarter or quarters within such year, or in the quarter ending on the fifth day of *January* on which such year shall end, shall not be carried forward as a charge on the said sinking fund at the end of the next succeeding quarter, but shall be made good out of any aids or supplies which shall be or shall have been granted by parliament for the service of the then current year; and the amount of such deficiency or deficiencies so to be made good, shall be issued to the governor and company of the bank of *England*, in the manner herein-after directed, within ten days after monies sufficient to answer the same shall have been paid into his Majesty's receipt of exchequer, on account of any such aids or supplies.

The monies set apart quarterly, to be paid into the bank;

and to be applied in reducing the national debt.

V. And be it further enacted by the authority aforesaid, That the monies so set apart, at the end of any quarter of a year ending as aforesaid, or of any year computed as aforesaid, either for the payment of the sum of two hundred and fifty thousand pounds due at the end of such quarter, or of any part thereof, or for making good such deficiency or deficiencies as aforesaid, shall forthwith be issued and paid to the governor and company of the bank of *England*, and shall by them be placed to an account to be raised in their books, and to be intituled, *The accompt of the commissioners appointed by act of parliament for applying certain sums of money annually to the reduction of the national debt:* and that as well all such monies, as any other monies

nies which shall be paid to the governor and company of the bank of *England* by virtue of this act, to be placed to the said account, shall be applied by the commissioners herein-after appointed towards the reduction of the national debt, in the manner herein-after directed, and to no other intent or purpose, and in no other manner whatever.

Officers of the exchequer restrained relative to the issuing the produce of the sinking fund.

VI. And be it enacted by the authority aforesaid, That it shall not be lawful for the officers of the receipt of his Majesty's exchequer to set apart or issue, out of the monies composing the sinking fund, at the end of any quarter, any sum or sums of money, for any service whatever, other than as in this act is provided, until the sum or sums which are directed by this act to be paid to the governor and company of the bank of *England*, on account of the said commissioners, shall have been set apart or issued as aforesaid; and that in like manner it shall not be lawful for the officers of the receipt of his Majesty's exchequer, after the fifth day of *January* in any year, to issue any sum or sums of money for any service whatever, out of any monies which shall then remain in the receipt of his Majesty's exchequer from any aids or supplies granted for the service of the current year, or out of any monies which shall be received into the exchequer after the said fifth day of *January*, from such aids or supplies, until the sum or sums (if any such there shall be) which shall be payable by virtue of this act to the governor and company of the bank of *England*, on account of the said commissioners, out of the said aids or supplies, shall have been set apart or issued as aforesaid.

To whom the redeemed stock shall be transferred.

VII. And be it further enacted by the authority aforesaid, That such part of the principal or capital stock of such publick annuities as shall be redeemed or paid off by virtue of this act, in the manner herein-after directed, shall be transferred to the accompt of the said commissioners, in the books of the governor and company of the bank of *England*, of the governor and company of merchants of *Great Britain* trading to the *South Seas* and other parts of *America*, or of the united company of merchants of *England* trading to the *East Indies*, respectively, as the case may be; and that the dividends payable thereon shall, from time to time, be received by the governor and company of the bank of *England*, and be placed to the account of the said commissioners.

When any of the herein recited annuities shall cease, by the expiration of the terms for which they were granted,

VIII. And be it further enacted by the authority aforesaid, That whenever any of the following publick annuities shall cease and determine, by the expiration of the terms for which they were respectively granted; (that is to say), the annuities granted for one, two, and three lives, and charged, by an act of the fifth of King *William* and Queen *Mary*, upon two sevenths of a nine shillings *per* barrel excise; the annuities granted for one, two, and three lives, by the acts of the second and third of Queen *Anne*, and for ninety-nine years, by one other act of the third and fourth of Queen *Anne*, and charged upon the three thousand seven hundred pounds *per* week excise by the said act; the

the annuities granted for ninety-nine years, by an act of the fourth of Queen *Anne*, and charged upon an addition of nine shillings *per* barrel excise, and of an addition of one third of the subsidy of tonnage, established by an act of the ninth of King *William* the Third; the annuities granted for ninety-nine years, by an act of the fifth of Queen *Anne*, and charged upon the duties on hawkers and pedlars, stamp duties on vellum, parchment and paper; and the annuities established by an act of the sixth of Queen *Anne*, for ninety-nine years, and charged upon the surplus of the duties granted for payment of the annuities established by the two former acts of the fourth and fifth of Queen *Anne*; and the annuities established for ninety-nine years, granted by one other act of the sixth of Queen *Anne*, and charged upon a further additional half subsidy of tonnage by the said act; and the several annuities on single lives, granted by an act of the eighteenth of King *George* the Second, and charged upon the duties on wines imported, by the said act; the annuities on single lives, granted by an act of the nineteenth of King *George* the Second, and charged on the duties on glass and spirituous liquors by the said act; and the annuities on single lives, granted by an act of the thirtieth of King *George* the Second, and charged on the duties on stamped vellum, parchment, and paper, and by a subsequent act charged on the sinking fund; and certain annuities granted for annuities on lives, with the benefit of survivorship, by an act of the fifth of King *George* the Third, and charged upon the sinking fund; and the annuities on single lives, granted by an act of the eighteenth of King *George* the Third, and charged upon the duties on wines and inhabited houses by the said act; and the annuities on lives, granted by an act of the nineteenth of King *George* the Third, and charged upon an additional duty of five pounds *per centum* excise, five pounds *per centum* additional subsidy on customs, tax on post horses, and on stamp duties, established by the said act; and the several and respective annuities granted for ninety-nine years, from the fifth day of *January*, one thousand seven hundred and sixty-one; for ninety-eight years, from the fifth day of *January*, one thousand seven hundred and sixty-two, consolidated and charged on the sinking fund by an act of the fourth of King *George* the Third; the annuities granted for eighty years, from the fifth day of *January*, one thousand seven hundred and eighty, by an act of the twentieth of King *George* the Third, and charged on the duties on wines and salt, and on sundry other duties established by the said act; the annuities established by an act of the twenty-second of King *George* the Third, for seventy-eight years, from the fifth day of *January*, one thousand seven hundred and eighty-two, and charged on the duties on tobacco, snuff, salt, and sundry other duties granted by the said act; the annuities granted for seventy-seven years, from the fifth day of *January*, one thousand seven hundred and eighty-three, by an act of the twenty-third of King *George* the Third, and charged upon stamp duties on bills of exchange, receipts,

receipts, and ſundry other duties granted by the ſaid act; and the annuities granted for ſeventy-five years and ſix months, from the fifth day of *July*, one thouſand ſeven hundred and eighty-four, by an act of the twenty-fourth of King *George* the Third, and charged upon additional duties on candles, bricks, and tiles, and ſundry other duties granted by the ſaid act; the annuities granted for thirty years, from the fifth day of *January*, one thouſand ſeven hundred and ſeventy-eight, and, by an act of the eighteenth of King *George* the Third, charged upon the duties on wines and inhabited houſes by the ſaid act; the annuities granted for twenty-nine years, from the fifth day of *January*, one thouſand ſeven hundred and ſeventy-nine, and, by an act of the nineteenth of King *George* the Third, charged upon an additional duty of five pounds *per centum* exciſe, five pounds *per centum* ſubſidy, tax on poſt horſes, and ſtamp duties on paper, by the ſaid act; and the annuities granted by an act of the ſeventeenth of King *George* the Third, for ten years, from the fifth day of *April*, one thouſand ſeven hundred and ſeventy-ſeven, and charged upon the ſinking fund; in every ſuch caſe, all duties which ſhall be applicable to the payment of ſuch annuities, by virtue of any act or acts of parliament, ſhall continue to be levied and collected, and ſhall continue to be applied to ſuch payment, in the ſame manner, and under the ſame regulations reſpectively, to all intents and purpoſes whatever, as the ſame were levied, collected, and applied immediately before the determination of ſuch annuities reſpectively; and that from and after the determination of ſuch annuities, the monies now payable thereon ſhall be iſſued, from time to time, to the governor and company of the bank of *England*, and ſhall be placed to the account of the ſaid commiſſioners

the duties applicable to the payment thereof ſhall continue to be levied,

and the monies payable thereon ſhall be iſſued to the bank, &c.

IX. Provided always, and be it further enacted by the authority aforeſaid, That ſo ſoon as any part of the principal or capital ſtock of any publick annuities, or ſo ſoon as any annuities for lives or years ſhall have been placed, as herein-before directed, to the account of the ſaid commiſſioners, no ſum or ſums of money ſhall thenceforth be iſſued or paid for or on account of the charges of management of ſuch ſtock or annuities.

When any ſtock ſhall be placed to the account of the commiſſioners, no money ſhall be iſſued for the management thereof.

X. And be it further enacted by the authority aforeſaid, That all monies whatever, which ſhall be placed from time to time to the account of the ſaid commiſſioners by virtue of this act, ſhall be applied by them either in payments for the redemption of ſuch redeemable publick annuities as ſhall be at or above par, in ſuch manner and at ſuch periods as ſhall be directed by any future act or acts of parliament, or to the purchaſe of any publick annuities below par in the manner herein-after directed.

Monies placed to the account of the commiſſioners to be applied in redemption of annuities at or above par, &c.

XI. And be it further enacted by the authority aforeſaid, That all monies whatever which ſhall be placed from time to time to the account of the ſaid commiſſioners, by virtue of this act, which ſhall not be directed by any future act or acts of parliament to be applied in payment for the redemption of any redeemable

More particular application of the monies to be placed to the account of the commiſſioners.

deemable publick annuities at or above par, ſhall be applied by the ſaid commiſſioners in payments for the purchaſe of publick annuities below par, in the following manner; (that is to ſay,) That all monies ſo to be applied, which ſhall have been placed to the account of the ſaid commiſſioners between the fifth day of *April* in any year, and the firſt day of *May* then next enſuing, ſhall be applied to the purchaſe of ſuch annuities, in equal portions, as nearly as may be, on every day (*Saturdays* and *Mondays* excepted) on which the ſame ſhall be transferrable, between the ſaid firſt day of *May* and the firſt day of *Auguſt* then next enſuing; and in like manner, the ſums ſo to be applied, which ſhall have been placed to the account of the ſaid commiſſioners, between the end of any ſuch quarter and the firſt day of the calendar month which ſhall commence next after the end of ſuch quarter, ſhall be applied to the purchaſe of ſuch annuities, in equal portions, as nearly as may be, on every day (*Saturdays* and *Mondays* excepted) on which the ſame ſhall be transferrable, between the ſaid firſt day of the calendar month which ſhall commence next after the end of ſuch quarter, and the firſt day of the calendar month which ſhall commence next after the end of the quarter next enſuing.

Directions for the commiſſioners when there are no annuities below par.

XII. Provided always, and be it further enacted by the authority aforeſaid, That if at any time it ſhall happen that there ſhall be no ſubſiſting publick annuities below par, and that the neceſſary meaſures ſhall not have been previouſly taken by parliament, to enable and direct the ſaid commiſſioners to apply the monies, which ſhall have been placed to their account (by virtue of this act) to the redemption of any ſubſiſting publick annuities which ſhall then be at or above par, the ſaid commiſſioners are hereby authorized and required to apply the ſaid monies to the purchaſe of any ſubſiſting publick annuities at or above par, in the ſame manner, and under the ſame regulations and reſtrictions, as are herein-before provided with reſpect to the purchaſe of publick annuities below par.

Commiſſioners impowered to ſubſcribe towards any future publick loan, &c.

XIII. Provided alſo, and be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid commiſſioners, if they ſhall think it expedient, at any time between the end of any quarter and the firſt day of the calendar month which ſhall commence next after the end of ſuch quarter, to ſubſcribe any of the monies which ſhall have been placed to their account at the end of ſuch quarter; and alſo all ſuch monies as ſhall be to be placed to their account, by virtue of this act, during the remainder of the then current year, computed as by this act directed, towards any publick loan, to be raiſed by virtue of any future act or acts of parliament, by ſuch annuities as are herein-after mentioned, that is to ſay, perpetual annuities, ſubject only to redemption at par, for which the ſinking fund ſhall be collateral ſecurity: provided always, That the capital ſtock of ſuch annuities ſo to be granted ſhall bear the ſame rate of intereſt with ſome capital ſtock of redeemable publick annuities then ſubſiſting; and that the amount of the capital

tal ſtock to be given for every ſum of one hundred pounds, ſo to be ſubſcribed, ſhall be eſtimated according to the market price of ſuch ſubſiſting ſtock at the time of ſuch ſubſcription.

Who ſhall be commiſſioners.

XIV. And be it further enacted by the authority aforeſaid, That the ſpeaker of the houſe of commons, the chancellor of his majeſty's exchequer, the maſter of the rolls, the accountant general of the court of chancery, and the governor and deputy governor of the bank of *England*, for the time being reſpectively, ſhall be commiſſioners for carrying into execution the purpoſes of this act; and that all powers and authorities, which the ſaid commiſſioners are or may be enabled or required to exerciſe, by the preſent or any future act or acts of parliament, ſhall and may be exerciſed by any number, not leſs than four, of the ſaid commiſſioners.

Commiſſioners may employ clerks, etc.

XV. And be it further enacted by the authority aforeſaid, That the ſaid commiſſioners ſhall be, and they are hereby authoriſed to appoint and employ ſuch clerks and other officers as ſhall be neceſſary; and that all proceedings whatever, to be had by or before the ſaid commiſſioners, ſhall be entered in proper books.

The bank to pay ſuch money veſted in the commiſſioners as ſhall be ordered by them, etc.

XVI. And be it further enacted by the authority aforeſaid, That the order of the ſaid commiſſioners ſhall at any time be a ſufficient authority to the governor and company of the bank of *England*, for iſſuing and paying any part of the money to be veſted in the ſaid commiſſioners, in the manner herein directed; and ſuch perſon or perſons as ſhall, from time to time, be nominated and appointed by the ſaid commiſſioners, to make the purchaſes of publick debts and annuities, on the account of the ſaid commiſſioners, for the uſe of the publick, and for the purpoſes of this act, is and are hereby authoriſed and enabled to accept the transfer of any ſtock or annuities to be purchaſed in the manner herein-before directed, and to make the payments for the ſame to the perſons from whom the ſame ſhall be purchaſed, and to give or accept all the neceſſary receipts and acquittances on the part of the ſaid commiſſioners: provided always, That ſuch nomination and appointment ſhall, from time to time, be notified to the governor and company of the bank of *England*, under the hands of the ſaid commiſſioners.

The bank to make up their account with the commiſſioners annually;

XVII. And it is hereby further enacted by the authority aforeſaid, That an account ſhall be made up to the firſt day of *February* in every year, by the governor and company of the bank of *England*, of all ſums whatever which ſhall have been paid to the ſaid governor and company, or carried in their books to the account of the ſaid commiſſioners, for the purpoſes of this act; and alſo of all ſums of principal or capital ſtock of publick annuities, which in purſuance of this or any other act, within the year comprehended in the ſaid account, ſhall have been purchaſed, redeemed, or paid off by the ſaid commiſſioners, together with the intereſt accruing thereupon; and alſo of the annual amount and particulars of any annuities for lives or years, the terms of which ſhall have expired within the ſaid year, to

which ſhall be laid before parliament.

the fifth day of *January* in every year after the paſſing of this act; which account the ſaid governor and company are hereby required to lay before both houſes of parliament on or before the fifteenth day of *February* immediately following, if parliament ſhall be then ſitting; and if parliament ſhall not be then ſitting, then within fourteen days after the commencement of the then next ſeſſion of parliament.

Commiſſioners to lay an account of their proceedings before parliament;

XVIII. And be it enacted by the authority aforeſaid, That a ſimilar account of all the ſaid ſeveral particulars, and for the ſame periods, ſhall alſo be prepared and laid before both houſes of parliament, within the ſame period, by the ſaid commiſſioners, together alſo with an account of the times of their purchaſing, redeeming, and paying off any parts of the publick debts and annuities, and an account of the ſeveral prices paid for the ſame, and of the whole expence attending the execution of the powers veſted in them by this act.

and before the commiſſioners for auditing publick accounts.

XIX. Provided always, and be it enacted by the authority aforeſaid, That duplicates of the ſaid accounts ſhall be laid, at the ſame time, before the commiſſioners for auditing the publick accounts; and the ſaid commiſſioners for auditing the publick accounts are hereby authorized and required to proceed to the examination thereof immediately after the end of the ſeſſion of parliament in which ſuch account ſhall have been ſo laid before the two houſes of parliament; after which examination by the ſaid commiſſioners for auditing the publick accounts, ſuch account ſhall be further proceeded upon, and finally determined, to all intents and purpoſes, in like form and manner as is and by law ought to be practiſed in the caſe of accounts for monies iſſued at the receipt of his Majeſty's exchequer, by way of impreſt, and upon account.

When the ſum annually receivable by the commiſſioners ſhall amount to 4,000,000l. the dividends due on ſtock paid off by them, etc. ſhall be conſidered as redeemed by parliament.

XX. And be it further enacted by the authority aforeſaid, That whenever the whole ſum annually receivable by the ſaid commiſſioners, including as well the quarterly ſum of two hundred and fifty thouſand pounds herein-before directed to be iſſued from the exchequer, as the ſeveral annuities and dividends of ſtock to be placed to the account of the ſaid commiſſioners in the books of the governor and company of the bank of *England*, by virtue of this act, ſhall amount in the whole to four millions annually, the dividends due on ſuch part of the principal or capital ſtock as ſhall thenceforth be paid off by the ſaid commiſſioners, and the monies payable on ſuch annuities for lives or years as may afterwards ceaſe and determine, ſhall no longer be iſſued at the receipt of his Majeſty's exchequer, but ſhall be conſidered as redeemed by parliament, and ſhall remain to be diſpoſed of as parliament ſhall direct.

Penalty on forging any certificate, etc. made by virtue of this act.

XXI. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall forge or counterfeit, or cauſe or procure to be forged or counterfeited, or ſhall wilfully act or aſſiſt in the forging or counterfeiting any certificate or certificates, order or orders, made forth by virtue of this preſent act, or alter any number, figure, or word therein, or preſent for payment,

ment, utter, vend, barter, or dispose of any such forged, counterfeit, or altered certificate or certificates, order or orders, (knowing the same to be forged, counterfeit, or altered), then, and in every such case, all and every such person and persons, being thereof convicted in due form of law, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy.

Cashiers of the bank to give security.

XXII. And be it further enacted by the authority aforesaid, That the cashier or cashiers of the governor and company of the bank of *England* shall give security, to the good liking of the said commissioners, for duly performing the trust hereby in him or them reposed.

Treasury may discharge incidental charges, etc. of executing this act.

XXIII. Provided always, and be it enacted by the authority aforesaid, That out of any aids or supplies which shall be granted for the service of each year, the lord high treasurer, or the commissioners of his Majesty's treasury, for the time being, shall have power to discharge all such incidental charges, not hereby otherwise provided for, as shall necessarily attend the execution of this act, in such manner as to them shall seem just and reasonable, and also to settle and appoint such allowances as shall be proper, for the service, pains, and labour of the said cashier or cashiers, and any other person or persons (other than the said commissioners) for performing the trust hereby reposed in him or them; all which allowances to be made as aforesaid, in respect of the services, pains, and labour of any officer or officers of the said governor and company of the bank of *England*, and of the *South Sea* company, respectively, shall be for the use and benefit of the said companies, respectively, and at their disposal only.

CAP. XXXII.

An act for raising a certain sum of money by loans or exchequer bills, for the service of the year one thousand seven hundred and eighty-six. — 1,500,000l. raised by this act.

CAP. XXXIII.

An act for raising a further sum of money, by loans or exchequer bills, for the service of the year one thousand seven hundred and eighty-six.—1,000,000l. raised by this act.

CAP. XXXIV.

An act for altering the days of payment of the long annuities, and annuities for thirty and twenty-nine years.

Preamble.

WHEREAS *several annuities, granted by divers acts of parliament, to continue from the respective times of their commencement for certain terms of ninety-nine, ninety-eight, eighty, seventy-eight, seventy-seven years, and seventy-five years and six months, and then to cease, which were consolidated and made payable at the bank of* England, *and are there distinguished by the appellation of* long annuities; *and also other annuities granted for thirty and twenty-nine years, and consolidated and made one joint stock of annuities, by an act of the nineteenth year of the reign of* George *the Third, payable*

payable likewise at the bank of England; *all which said annuities to continue for ninety-nine, ninety-eight, eighty, seventy-eight, seventy-seven years, and seventy-five years and six months, and for thirty and twenty-nine years, from the times of their said respective commencements, were, by the several acts granting the same, made payable half-yearly, on the fifth day of* January, *and the fifth day of* July, *in every year: and whereas it is expedient that the times appointed by the said acts for the payment of the said annuities should, with the consent of the proprietors thereof, be altered*; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the payment of the several annuities abovementioned for the half year which shall become due on the fifth day of *July*, one thousand seven hundred and eighty-six, the subsequent payments thereof shall, with the consent of the proprietors, be made in manner following; that is to say, One quarterly payment of the said annuities shall be made on the tenth day of *October*, one thousand seven hundred and eighty-six, and from and after the said tenth day of *October*, one thousand seven hundred and eighty-six, such annuities shall be paid and payable half-yearly on the fifth day of *April*, and the tenth day of *October*, in every year, until the quarter day next preceding the time at which the several annuities, according to the several acts of parliament for granting the same, shall respectively determine; and the quarter's annuity for the time then remaining unexpired shall be paid on the quarterly day of payment on which the same shall become due.

After July, 1786, the recited annuities to be paid on Oct. 10, and April, 5, yearly.

II. And be it further enacted by the authority aforesaid, That such proprietors of the said respective annuities who shall not, on or before the first day of *June*, one thousand seven hundred and eighty-six, signify their dissent to the said alteration of the times for the payment of the said annuities, in books to be opened at the bank of *England* for that purpose, shall be deemed and taken to assent thereto, any thing in any act or acts of parliament to the contrary thereof in any-wise nowithstanding.

Proprietors deemed to assent to the alteration, unless they signify their dissent, &c.

III. Provided nevertheless, That all the provisions, powers, and directions in the several acts of parliament relative to the payment of the several and respective annuities aforementioned, and the clauses therein for charging the same on the several funds provided for payment thereof, shall take effect, operate, and be executed, with respect to the payment of the said annuities on the days hereby appointed, as fully and effectually as if the same were herein repeated, re-enacted, and applied to the payments to be made by the authority of this act.

Provisions of former acts to operate with respect to the payments on the days hereby appointed.

CAP. XXXV.

An act to explain, amend, and render more effectual, an act, made in the last session of parliament, intituled, An act to explain, amend, and render more effectual, an act, passed in the twenty third year of his present Majesty's reign, intituled, "An act for authorising the trea-

"surer

"surer of the navy to pay to the garrison and naval department at "Gibraltar, the like bounty for destroying certain Spanish ships of war, "as is allowed to the officers and men on board any of his Majesty's "ships of war taking or destroying ships of war belonging to the "enemy."

23 Geo. 3. c. 16. and 25 Geo. 3. c. 29. for amending the former act, recited. Commissioners may order the prize agents to pay the agents of the foreign troops of the late garrison at Gibraltar their share of bounty money, and prize money. Expences of this act to be paid out of bounty or prize money in hand.

CAP. XXXVI.

An act to explain an act, made in the last session of parliament, with respect to the allowances to be made for waste on the exportation of white salt and rock salt to the Isle of Man; for limiting the quantity of British refined sugar to be exported to the Isle of Man; and for repealing so much of an act, made in the seventh year of the reign of his present Majesty, intituled, "An act for encouraging and regulating the trade and manufacture of the Isle of Man; and for the more easy supply of the inhabitants there with a certain quantity of wheat, barley, oats, meal, and flour, authorised by an act made in this session to be transported to the said island," as relates to permitting any person to import into the Isle of Man fish from any place whatever, except from Great Britain, without payment of any custom or other duty whatsoever.

25 Geo. 3. c. 63. and 26 Geo. 3. c. 34. recited. Allowance for waste on salt exported to the Isle of Man, reduced to 2 bushels in 40 of white salt, and 1 bushel in 40 of rock salt. Recital of 7 Geo. 3. c. 45. From July 5, 1786, no British refined sugar to be imported into the Isle of Man, except from Great Britain directly, and from the ports after mentioned, under penalty of forfeiture and of the ship, &c. 4 hundred weight of refined sugar, and 10 hundred weight of refined sugar bastard, may be exported annually from Liverpool to Douglas in the Isle of Man. No such sugar to be exported from the Isle of Man. The act of 7 Geo. 3. c. 45. sect. 3. as to fish repealed, and the house of keys in the island may permit one thousand barrels of foreign herrings to be imported into the island in any one year, duty free.

CAP. XXXVII.

An act for laying a toll upon all horses and carriages passing on a Sunday over Blackfriars bridge, and for applying the money to arise thereby towards increasing the fund for watching, lighting, cleansing, watering, and repairing the said bridge.

Act 29 Geo. 2. c. 86. 7 Geo. 3. c. 37. A Sunday toll on horses and carriages to commence on the first Sunday after June 24, 1786.

For every coach, chariot, berlin, chaise, chair, calash, or other carriage, drawn by six or more horses or mules, the sum of ten-pence:
For every coach, chariot, berlin, chaise, chair, calash, or other carriage, drawn by four horses or mules, the sum of eight-pence:
For every coach, chariot, berlin, chaise, chair, calash, or other carriage, drawn by three or two horses or mules, the sum of six-pence:
And for every chaise, chair, calash, or other carriage, drawn by one horse, mule, or ass, the sum of three-pence:
For every horse, mule, or ass, not drawing, the sum of one penny.

Monies vested in the mayor, commonalty and citizens to be applied to the uses of the act. Power to levy the tolls by distress and sale in 4 days. Power to erect turnpikes and toll-houses within 150 feet from the south

end of the bridge. Property vested in the mayor, &c. Tolls to be paid only once a day. Power to lease the tolls for three years, and not less than one, to the highest bidder. Common council may appoint collectors. Collectors to account; or may be committed. Upon the death of any collector, his executor or administrator to be answerable. Penalty on persons obstructing collectors, 40s. besides damages, &c. Collectors neglecting to apply for warrants, to forfeit 40s. Penalties and forfeitures to be recovered by distress and sale of goods, by justices' warrant, and the net money to be paid into the chamber of London, and for want of distress may commit the party for 10 days and not more than 30 days. One moiety of the penalties may be paid to the informers. Forfeitures may be mitigated to one moiety. Commencement of this act, June 24, 1786. Money collected to be applied to the lighting, watching, cleansing, repairing, and watering the bridge. Power to appeal to the general quarter sessions of London in three months. Proceedings not to be quashed for want of form. No actions to be brought till after 21 days notice of the cause thereof, and to be in six months after fact, and to be laid and tried in the city of London, or county of Surry, as the matter may arise; and the defendant may plead the general issue and give the special matter in evidence, &c. if he recover to have treble costs. Common council may delegate their power to a committee. But no person concerned in any turnpike or toll-house to be erected, or any contract for work to be done by virtue of this act, or any share therein, or having place of profit eligible. Deemed a publick act.

CAP. XXXVIII.

An act for regulating the time of the imprisonment of debtors imprisoned by process from courts instituted for the recovery of small debts; for abolishing the claim of fees of gaolers, and others, in the cases of such imprisonment; and for ascertaining the qualifications of the commissioners.

Preamble. WHEREAS *by several acts of parliament now in force, and made to establish or regulate courts for the recovery of small debts in several cities, towns, districts and places within this kingdom, there is no uniform time limited for the duration of the imprisonment of the defendant or debtor, against whom an execution, process of contempt, or precept in the nature of an execution, is issued for nonpayment of such debts and costs, sum or sums of money, as by the order or orders of such courts such debtor or defendant is ordered or directed to pay, but such debtors or defendants are by such acts of parliament to be committed to prison, there to remain for an indefinite length of time, until he, she, or they, shall perform the order of the court or commissioners in that behalf; so that it frequently happens that a poor person, who is not of ability to pay a debt of or under forty shillings, is imprisoned for many months, and sometimes for years, without a possibility of being discharged: and whereas it often happens that poor persons, who are committed to prison by virtue of and in pursuance of the said acts of parliament, for a trifling debt, are kept in custody after they have been enabled to pay and discharge such debt, for gaol fees: and whereas an act was made in the last session of parliament, (intitu-*

25 Geo. 3. c. 45. *led,* An act for reducing the time for the imprisonment of debtors committed to prison, upon prosecutions in courts of conscience, in *London*, *Middlesex*, and the borough of *Southwark*, to the same periods in each court; and for abolishing fees paid by those debtors to gaolers, or others, on account of such imprisonment),

sonment), *the purposes of which act have been found to be beneficial; and it is expedient that the like provisions should be extended to all other courts instituted for the recovery of small debts:* therefore be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *September*, one thousand seven hundred and eighty-six, no person whosoever, being a debtor or defendant, and who has been or shall be committed to any gaol or prison by order of any court, or commissioners authorised by any act or acts of parliament for constituting or regulating any court or courts for the recovery of small debts, where the debt does not exceed twenty shillings, shall be kept or continued in custody, on any pretence whatsoever, more than twenty days from the commencement of this act, or from the time of his, her, or their commitment to prison; and where the original debt does not amount to or exceed the sum of forty shillings, more than forty days from the commencement of this act, or from the time of his, her, or their commitment as aforesaid; and all gaolers, keepers, or turnkeys, are hereby directed and required to discharge such persons accordingly.

Limitation of the time of imprisonment of debtors committed by courts of conscience.

II. *And, in order the more effectually to prevent persons summoned for debts to the said courts from the fraudulent concealment of their money or goods*; be it enacted by the authority aforesaid, That in case, upon the summons of any person for debt before the said court or commissioners, information of any such practice shall be given, such court or commissioners shall have power to hear evidence as to such fraudulent concealment; and in case it shall be proved to their satisfaction, upon the oaths of two or more credible witnesses, (which oath the said court or commissioners are hereby impowered to administer, and which oath, if falsely taken, shall subject the party or parties so taking it to all the pains and penalties of wilful and corrupt perjury), that any such debtor has money or goods which he has wilfully and fraudulently concealed; in that case, the court or commissioners shall have power to enlarge the aforesaid times of imprisonment for debts under twenty shillings, to any time not exceeding thirty days, and for debts under forty shillings, to any time not exceeding sixty days; which said circumstance or ground of further detention shall be specified in the said commitment; and the depositions of the witnesses shall be entered in a book to be kept for that purpose by the clerk to each respective court or commissioners.

Debtors found guilty of a fraudulent concealment of their effects, may be imprisoned for a longer term.

III. And be it further enacted by the authority aforesaid, That at the expiration of the said respective times of imprisonment as aforesaid, every such person or persons shall immediately be discharged and set at liberty, without paying any sum or sums of money, fee or fees, or other reward or gratuity whatsoever, to the gaoler, keeper, or turnkey of such gaol or prison, or others, by way of gaol fees, or discharge fees, or otherwise, on any pre-

Debtors not liable to pay gaol fees.

Penalty on gaolers demanding such fees.

tence whatsoever; and every gaoler, keeper, or turnkey of any such gaol or prison, or others, demanding, taking, or receiving, any fee or fees, sum or sums of money whatsoever, upon the discharge of any such person or persons, committed or to be committed to his custody as aforesaid, or keeping or detaining any such person or persons prisoner or prisoners, after the respective times limited by this act, shall, for every such offence, forfeit and pay the sum of five pounds.

Two justices may determine offences against this act.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any two justices of the peace where the offence shall be committed, to hear and determine any offence against this act; which said two justices of the peace are hereby authorised and required, upon any information exhibited or complaint made before them of such offence having been committed, to summon the party accused, and also the witnesses on either side, and to examine into the matter of fact; and upon due proof made thereof, by the oath of one or more credible witness or witnesses, or by the voluntary confession of the party, to give judgement or sentence for the penalty or forfeiture, as in and by this act is directed, and to award and issue out their warrant under their hands and seals, for levying the said penalty of five pounds so adjudged on the goods of the offender, and to cause sale to be made thereof, in case they shall not be redeemed in four days, rendering to the party the overplus (if any); and where the goods of such offender cannot be found sufficient to answer the penalty, to commit such offender to prison, there to remain for the space of two months, unless such penalty shall be sooner paid and satisfied.

Penalties and forfeitures how to be applied.

V. And be it further enacted, That all forfeitures and penalties inflicted by this act (the necessary charges for the recovery thereof being first deducted) shall be divided and distributed in manner following; that is to say, One moiety thereof to be paid to the churchwardens or overseers of the poor, for the support and maintenance of the poor of the parish in which the offence shall be committed; and the other moiety to the person or persons who shall inform and sue for the same.

Informations to be exhibited within a limited time.

VI. Provided always, and be it enacted, That no person or persons shall be liable to be convicted before any justices of the peace, for any offence committed against this act, unless complaint or information shall be made or exhibited against such person or persons within two calendar months after such offence committed.

Process not to issue against the body and goods of the same person.

VII. Provided also, and be it enacted, That it shall not be lawful for any such court or commissioners to issue any process against the body or bodies of any person or persons, where the party intitled to the benefit of any order, judgement, or decree, shall at the same time have obtained any warrant or process against the goods and chattels of the same person or persons.

Qualification of commissioners.

VIII. And be it further enacted, That, from and after the twenty-fourth day of *June*, one thousand seven hundred and eighty-six, no person shall be capable of acting as a commissioner in

in the execution of any of the acts for constituting such courts, unless such person shall be a housholder within the county, district, city, liberty, or place, for which he shall act, and shall be possessed of a real estate of the annual value of twenty pounds, or of a personal estate of the value of five hundred pounds: and if any person, not being so qualified, shall presume to act as a commissioner in the execution of any of the acts for constituting such courts, every person so acting shall forfeit and pay the sum of twenty pounds to any person or persons who shall sue for the same, to be recovered, with full costs of suit, by action of debt or on the case, wherein no essoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed; and the person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said penalty, upon proof being given of his having acted as a commissioner in the execution of any of the acts constituting such courts: provided always, that such action or suit shall be commenced within six calendar months next after the offence committed, and shall be laid or brought in the county, city, or place, where the offence shall be committed, and not elsewhere.

Penalty on acting not being qualified.

CAP. XXXIX.

An act for widening, enlarging, and cleansing the streets, lanes, and other publick places, and for opening new streets, markets, and passages, within the town of Newcastle upon Tyne, and the liberties thereof, and for removing and preventing annoyances therein; and for regulating the publick markets, and common stage waggons, drays, and carts, carrying goods for hire.

The mayor, aldermen and common councilmen of Newcastle to put this act in execution at the expence of the corporation.

CAP. XL.

An act for regulating the production of manifests, and for more effectually preventing fraudulent practices in obtaining bounties and drawbacks, and in the clandestine relanding of goods.

Preamble.

WHEREAS *the laws now in force, made to secure the payment of the duties due on such goods as are admissible to an entry upon importation into this kingdom from foreign parts, and to prevent the clandestine and fraudulent importation and exportation of prohibited goods, and the relanding of goods shipped for exportation, entitled either to bounty or drawback, have been found insufficient to answer the good purposes thereby intended*; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the times herein-after mentioned, no goods or commodities shall be imported or brought into *Great Britain*, from any port or place whatever, in parts beyond the seas, in any ship or vessel whatever, belonging in the whole or in part to his Majesty's subjects, unless the master, or other person

No goods to be imported into Great Britain, in any vessel belonging to British subjects, un-

less the master have on board a manifest, containing the particulars herein mentioned.

person having or taking the charge or command of every such ship or vessel, respectively, importing such goods, shall have on board a manifest or manifests, or content or contents, in writing, signed by such master or other person, containing the name or names of the several and respective ports or places where the goods in such manifest or manifests, or content or contents, mentioned, shall have been respectively laden or taken on board, the name and built of such ship or vessel, and the true admeasurement or tonnage thereof, according to the register of the same, together with the christian and surname of the master, or other person having or taking the charge or command of such ship or vessel, and the port or place to which such ship or vessel truly belongs; and a just, true, correct, and particular account of all the cargo, and of all packages of goods so laden or taken on board, with the several and respective marks thereon; and of the particulars of the cargo which is stowed loose; and of the following particulars, in words at length; (that is to say), The several and respective numbers of the packages, with a particular description thereof, whether leaguer, pipe, butt, puncheon, hogshead, barrel, or other cask or package, describing such other cask or package by its usual or ordinary name; or whether case, bale, pack, truss, chest, box, bundle, or other package, or by such other name or description as the same is usually called or known.

No wine to be imported from any place not subject to the crown of Great Britain, unless the master has a proper manifest on board.

II. And be it further enacted by the authority aforesaid, That no wine of any sort shall be imported or brought into *Great Britain*, from any port or place whatever in foreign parts, not belonging to or under the dominion of the crown of *Great Britain*, in any ship or vessel whatever, unless the master, or other person having or taking the charge or command of the ship or vessel in which such wine shall be laden, shall have on board, in like manner, a manifest or manifests, or content or contents, in writing, made out and signed by such master or other person, on or before the clearing or departure of every such ship or vessel from each and every such port or place where such wine shall be laden on board, containing the name of the several and respective ports or places where the wine mentioned in such manifest or manifests, or content or contents, shall have been so respectively laden or taken on board; the name and built of such ship or vessel, and the true admeasurement or tonnage thereof, together with the christian and surname of the master, or other person having or taking the charge or command of such ship or vessel, and the port or place to which such ship or vessel truly belongs; and a just, true, correct, and particular account of the whole quantity of wine, distinguishing the quantity of each different kind, so taken on board as aforesaid, and of the several and respective marks upon the different packages respectively, and, if known, the names of the persons to whom the wines are respectively consigned; and also, in words at length, the several and respective numbers of the packages, with a particular description thereof, whether leaguer, pipe, butt, puncheon, hogshead,

hogshead, barrel, or other cask or package, or by what name or description such other cask or package may be usually called or known: provided always, That nothing in this act contained shall extend, or be construed to extend, to permit any goods or commodities whatever, which are now in law required to be accompanied with certificates or other documents, to be imported into *Great Britain* without all and every such certificate or certificates, or other document or documents, so required; but the same shall, and are hereby directed and required to be accompanied, as well with such certificate or other document, as with the manifest or manifests, or content or contents, herein-before directed; and, on failure thereof, the goods shall respectively continue to be liable to all and every the duties, regulations, and restrictions, and to the fines, penalties, and forfeitures, in all respects, to which the same are or shall be subject and liable by law, as if this act had not been made.

Certificates requisite on the importation of goods as heretofore.

III. And be it further enacted, That before any ship or vessel shall be cleared out for *Great Britain* with any goods or commodities whatever, from any port or place in any colony, plantation, island, or territory in foreign parts, belonging to or under the dominion of the crown of *Great Britain*, the master, or other person having or taking the charge or command of every such ship or vessel, shall deliver the manifest or content, in writing, herein-before required, to the collector of the customs (if there be such an officer at or near to such place); and, if there shall not be a collector of the customs there, then to the chief officer of the customs; and, if there shall not be any officer of the customs there, then to the principal officer or magistrate, or some other person by him specially appointed for that purpose, resident at or nearest to such place; which said collector, or other chief officer or magistrate, or other person by him appointed as aforesaid, shall respectively cause a duplicate thereof to be forthwith made, and shall indorse upon the original manifest or content his name, with the day and year on which the same was produced to such collector or other chief officer or magistrate, or person by him appointed, as aforesaid, and shall then return the said original manifest or content to the said master or other person, on or before the clearing of any such ship or vessel; and such collector or other chief officer or magistrate, or other person specially appointed as aforesaid, shall respectively, at and upon the clearing of every such ship or vessel as aforesaid, immediately transmit the said duplicate of such manifest or content, so made as before directed, under his hand and seal, to the collector and comptroller of his Majesty's customs at the port in *Great Britain* to which the goods are consigned, and to which the manifests respectively refer.

Masters of vessels, before clearing out for Great Britain, from any of the British dominions in foreign parts, to deliver a manifest to the chief officer of the customs, &c.

IV. And be it further enacted by the authority aforesaid, That no sort of wine shall be admitted to an entry on the importation thereof into *Great Britain*, in any ship or vessel whatever, from any port or place in parts beyond the seas, not belonging to or under the dominion of the crown of *Great Britain*, unless

Truth of the manifests to be verified on oath, before the consul, &c. relative

to wine shipped in foreign ports for Great Britain.

unless the master, or other person having or taking the charge or command of each and every ship or vessel importing the same, shall, before his departure from the port or place where such wine is shipped or laden on board, verify upon oath the truth of the contents of the said manifest or manifests, in respect of the said wine, before the *British* consul or other chief *British* officer, if there shall be any such resident at or near to the port or place where such wine shall be laden or taken on board; which oath the said *British* consuls, or other chief *British* officers, is and are hereby respectively authorised and required to administer.

Penalty on masters of vessels importing goods without a proper manifest.

V. And be it further enacted by the authority aforesaid, That if any goods shall be imported or brought into *Great Britain*, in any ship or vessel whatever, belonging in the whole or in part to his Majesty's subjects, from any port or place whatever in foreign parts, without such manifest or manifests, or content or contents, in writing, or shall not be included and described therein, or shall not agree therewith; or if any wine shall be imported or brought into *Great Britain* by any such ship or vessel, without a manifest or manifests, content or contents, so verified as aforesaid; in each and every such case the master, or other person having or taking the charge or command of such ship or vessel, shall forfeit a sum of money equal to double the value of such goods, together with the full duties payable on the same.

Masters of vessels, on arrival within 4 leagues of the British coast, are to produce their manifests to the first officer of the customs who shall come on board, and give him a copy thereof.

Officer to certify such production on the back of the original manifest, and to transmit the copy to the proper officers at the port of consignment, &c.

VI. And be it further enacted by the authority aforesaid, That every master, or other person having or taking the charge or command of any ship or vessel, belonging in the whole or in part to his Majesty's subjects, laden with goods as aforesaid, and bound to any port or place in *Great Britain*, shall, on his arrival within four leagues of the coast thereof, upon demand, produce all and every such manifest or manifests, or content or contents, in writing, which such master or other person is herein-before directed and required to have on board his said ship or vessel, to such officer or officers of his Majesty's customs as shall first come on board his said ship or vessel, for his or their examination and inspection, and shall deliver to such officer or officers a true copy thereof, respectively (which copy shall be provided and subscribed by the said master, or other person having or taking the charge or command of such ship or vessel); and that the several and respective officer and officers to whom the original manifest shall have been so produced, shall certify upon the back thereof that the same was produced, and also the day and year on which the same was or were so produced, and such copy or copies as aforesaid were to him or them delivered; and shall likewise certify upon the back of such copy or copies the day and year on which the same was or were produced, and shall forthwith transmit such copy or copies to the respective collectors and comptrollers of the several ports to which the goods, by such manifest or manifests, shall appear respectively to be consigned; and that the said master, or other person so having or taking the charge or command of any such ship or vessel, shall in

in like manner produce to the officer or officers of his Majesty's customs who shall first come on board such ship or vessel, upon her arrival within the limits of any port of *Great Britain* in which the cargo, or any part thereof, is intended to be discharged or landed, such manifest or manifests, or content or contents, in writing as aforesaid, and shall also deliver to him or them a true copy or copies thereof (such copy or copies also to be provided and subscribed by the said master, or other person having or taking the charge or command of such ship or vessel), the production of which said manifest or manifests, or content or contents, in writing, and the delivery of such copy or copies thereof, to be delivered as is herein-before directed, shall also be certified to have been so produced and delivered as aforesaid, by the said officer or officers of his Majesty's customs who shall so first come on board the said ship or vessel, on her arrival within the limits of any such port, upon the back of the said original manifest or manifests, or content or contents, in writing, with the particular day and year, and the time when such manifest or manifests, or content or contents, in writing, was or were produced to such officer or officers, and when he or they so received the said copy or copies thereof; and such officer or officers is and are hereby required forthwith to transmit, or cause to be transmitted, the said copy or copies of the said manifest or manifests, or content or contents, in writing, to the collector and comptroller of that port: provided always, That nothing herein contained shall be construed to extend to require of such master, or other person having or taking the charge or command of such ship or vessel, the delivery of more than one copy of the manifest or manifests, content or contents, respectively, which he is hereby directed to have on board, to the officer or officers aforesaid, who shall first come on board of such ship or vessel, within four leagues of the coast of *Great Britain*, and to none other who shall afterwards come on board, within the distance aforesaid; and one other copy to such officer or officers as shall first come on board within the limits of any port in *Great Britain*, and to none other who shall afterwards come on board within such limits, if such master, or other person so having or taking the charge or command of any such ship or vessel, shall produce to such officer or officers respectively his manifest or manifests, content or contents, with a certificate on the back thereof, as aforesaid: provided also, That if any manifest or content, herein-before directed to be delivered up to the collector and comptroller of any port where such ship or vessel arrives, shall contain an account of goods not there to be landed, but which shall appear to be consigned to some other port or place in *Great Britain*, then, and in such case, that the collector and comptroller shall certify upon such manifest, under their hands, such part of the cargo as shall there have been delivered, and shall then deliver back the original manifest to the master, or other person having or taking the charge or command of the ship or vessel; and so in like manner, as often as the case shall require, until

Master not required to give more than two copies of his manifest.

until such ship or vessel shall arrive at her last port or place of discharge.

Penalty on master neglecting to produce his manifest, or to give a copy thereof to the proper officer, &c.

VII. And be it further enacted by the authority aforesaid, That, if the master, or other person having or taking the charge or command of any ship or vessel laden as aforesaid, and bound to any port or place in *Great Britain*, shall not, upon his arrival within the limits of any port in *Great Britain* as aforesaid, or within four leagues of the coast thereof, produce such manifest or manifests, or content or contents, in writing, to the officer and officers of his Majesty's customs as aforesaid, upon demand thereof, and also give such copy or copies thereof as aforesaid to the officer or officers of his Majesty's customs who shall first come on board such ship or vessel, upon her arrival, as aforesaid, within any port in *Great Britain*, where the cargo, or any part thereof, is intended to be discharged or landed, or shall not give an account of the destination of such ship or vessel, or shall give a false account of the destination thereof, in order to evade the production of the manifest or manifests, or content or contents, in writing, the master, or other person having or taking the charge or command of such ship or vessel, shall forfeit a sum equal to double the value of the goods, together with the full duties due and payable thereon; and if such officer or officers first coming on board, within the distance or limits aforesaid, shall neglect or refuse to certify on the back of such manifest or manifests, or content or contents, the production thereof, and the delivery of such copies, respectively, as are herein-before directed and required to be delivered to such officer or officers, every such officer, so neglecting or refusing shall forfeit and pay the sum of one hundred pounds.

and on officer neglecting to certify the production thereof, etc.

Master and mate of any such vessel, who shall suffer bulk to be broken within the said limits, unauthorised by the proper officer, shall forfeit each 2001.;

except, &c.

VIII. And be it further enacted by the authority aforesaid, That if, after the arrival of any ship or vessel so laden with goods as aforesaid, and bound to *Great Britain*, either when within the limits of any of the ports of *Great Britain*, or within four leagues of the coast thereof, bulk shall be broken, or any part of the cargo of such ship or vessel shall be unladen or unshipped with intention to be laid on land, or unshipped for any other purpose whatever, out of such ship or vessel as aforesaid, within the limits or distance aforesaid, before such ship or vessel shall come to the proper place for the discharge of her cargo, or any part thereof, and shall be there duly authorised by the proper officer or officers of the customs to unlade the same, the master, or other person having or taking the charge or command of such ship or vessel, and the mate or other person next in command, shall respectively forfeit and lose the sum of two hundred pounds, except in case of unavoidable necessity and distress of weather, or other unavoidable accident, necessity, or distress, of which necessity and distress, or other unavoidable accident, the master, or other person having or taking the charge or command of such ship or vessel, shall give notice to, and (together with two or more of the mariners on board such ship or vessel) shall make proof, upon oath, before the collector

or

or other chief officer of the customs of the port within the limits of which such accident, necessity, or distress shall happen, or before the collector or other chief officer of the first port in *Great Britain*, within the limits of which such ship or vessel shall afterwards arrive, if the said accident, necessity or distress shall have happened, not within the limits of any port, but within four leagues of the coast of *Great Britain*, (which oath the said collector or other chief officer is hereby authorized and required to administer).

Directions relative to goods not stored in the main hold.

IX. And be it further enacted by the authority aforesaid, That if, upon the arrival of any ship or vessel within the limits of any port in *Great Britain*, for the discharge of the cargo, or any part thereof, there shall be any goods which, from necessity, or from the nature of the cargo, must be unavoidably stowed, either in the cabbin, or between the decks, or upon the decks, or in the steerage, forecastle, or other place or places, out of the main hold of any such ship or vessel (save and except such part of the cargo as is stowed in the chains, or in other parts on the outside of such ship or vessel), in such case the officer or officers of the customs who shall first go on board, shall, before he or they shall leave the ship or vessel, mark or seal such several and respective packages, in such manner as such officer or officers shall be directed by the commissioners of the customs, or any four or more of them, in *England*, or the commissioners of the customs, or any three or more of them, in *Scotland*, for the time being, and shall keep a particular account thereof; which mark or seal shall not be altered, defaced, or broken, before the goods contained in such packages shall be respectively landed, either at the lawful quays, or at such other places as shall from time to time be allowed for that purpose, by special sufferance and leave from the commissioners and officers of his Majesty's customs, and under the authority of an order from the proper landing waiters, and likewise in the presence of such superior officer or officers as the said commissioners of the customs, in *England* and *Scotland* respectively, shall appoint to see such packages opened.

If any marks on such goods shall be defaced, with the privity of the master and mate, they shall forfeit 200l. each.

X. And be it further enacted by the authority aforesaid, That if any of the marks or seals which shall have been put upon any of the packages as before directed, shall be altered, defaced, or broken, by the master, or other person having or taking the charge or command of the ship or vessel on board of which such offence or offences shall be committed, or by any of the crew, or shall be committed by any other person, with the privity or consent of the said master, or other person having or taking the charge or command of such ship or vessel, every such master, or other person having or taking the charge or command of such ship or vessel, and also the mate or such person as shall be next in command to such master, or other person having the charge and command as aforesaid, shall, for each and every offence so committed, forfeit two hundred pounds.

XI. And be it further enacted by the authority aforesaid, That

Master of every vessel importing such goods to make entry, upon oath, of her burthen, lading, &c. before the chief officer at the port of importation;

That the master, or other person having or taking the charge or command of any ship or vessel, in which such goods shall be so imported or brought as aforesaid into *Great Britain*, shall, within twenty-four hours after the arrival of such ship or vessel at such places respectively as shall hereafter be fixed upon and appointed for that purpose by the commissioners of the customs, or any four or more of them, in *England*, or the commissioners of the customs, or any three or more of them, in *Scotland*, for the time being, make entry, upon oath, of the built, burthen, contents, and lading of such ship or vessel, with the particular marks, numbers, and contents of every parcel of goods then laden on board such ship or vessel, to the best of his knowledge and belief, and do and perform every act and thing in relation thereto, before the customer, collector, or other chief officer of the customs of the said port, openly in the custom-house at the same port, in the manner directed and required by an act, passed in the thirteenth and fourteenth years of the reign of his late majesty King *Charles* the Second, intituled, *An act for preventing frauds, and regulating abuses in his Majesty's customs*, under the penalty of the forfeiture of one hundred pounds; and the said master or other person shall, at the time he so makes his report or entry of his ship upon oath, at the custom-house as aforesaid, deliver to the collector, or other chief officer of the customs at the said port, the manifest or manifests, or content or contents, in writing, as before directed to accompany their respective cargoes, and to be on board every ship or vessel in which goods shall be so imported or brought as aforesaid into *Great Britain*; and if the said master, or other person having or taking the charge or command of any such ship or vessel, shall neglect or refuse to deliver such manifest or manifests, or content or contents, in writing, as aforesaid, to the said collector or other chief officer of the customs, at the time he so makes his report or entry of his ship upon oath at the custom-house as aforesaid, every such master, or other person so having or taking the charge or command of such ship or vessel, shall, for every such offence, forfeit and lose the sum of two hundred pounds.

13 & 14 Car. 2. c. 11.

and deliver his manifest to him,

on penalty of 200l.

Penalty on the master if the goods reported shall not agree with the manifest, &c.

XII. And be it further enacted by the authority aforesaid, That if any package whatever, which shall have been reported by the master, or other person having or taking the charge or command of any ship or vessel in manner herein-before directed, shall be wanting, and not found on board such ship or vessel, in conformity to such report; or if the goods reported shall not agree with the manifest or manifests, content or contents; or if either the report or manifest or manifests shall not agree with the cargo found on board of such vessel or vessels; then, and in every such case, the master, or other person having or taking the charge or command of such ship or vessel, shall forfeit and lose the sum of two hundred pounds: provided nevertheless, That in case any goods shall be imported without such manifest or manifests, or content or contents, in writing, as herein-before is directed; or in case the manifest or manifests,

Certain cases in which the penalties shall not be incurred.

or

or content or contents, accompanying the goods, shall not agree with the report, or shall be defaced or incorrect, or shall not agree with the goods on board, and it shall be made to appear, to the satisfaction of the commissioners of the customs, that the cargo imported was wholly taken on board in foreign parts, naming the particular places where it was taken on board respectively, and that no part of the cargo has been unshipped since it was taken on board, and that the manifest or content has been lost or mislaid without fraud or collusion, or that the same was defaced by accident, or incorrect by mistake; in such case, the penalties and forfeitures herein-before inflicted shall not be incurred: provided also, That in case any goods shall, from urgent necessity, be taken on board of any ship or vessel in any foreign port or place, for *Great Britain*, after such manifest or manifests, or content or contents, as required by this act, shall have been attested in manner herein-before directed, the master, or other person having or taking the charge or command of such ship or vessel, shall make out, or cause to be made out, and shall sign, a separate manifest or manifests, or content or contents, of all such goods as shall be so taken on board; which manifest or manifests, or content or contents, shall be subject to all and every provision in this act contained, to all intents and purposes, in like manner as the manifest or manifests, or content or contents, so attested as aforesaid, are subjected; and in such case, the penalties and forfeitures herein-before inflicted, with respect to goods imported without a manifest or content, shall not be incurred, if the urgent necessity of so taking such goods on board shall be made to appear, to the satisfaction of the commissioners of the customs in *England* and *Scotland* respectively.

Penalty on masters permitting goods to be thrown overboard, &c. after arrival within the aforesaid limits.

XIII. And be it further enacted by the authority aforesaid, That if any goods so taken on board any ship or vessel in any foreign port or place, shall, after the arrival of such ship or vessel within the limits of any port of *Great Britain*, or within four leagues of the coast thereof, or after the first production of the manifest or manifests, or content or contents, to the officers of the customs, in manner herein-before directed (whether such goods shall be inserted in the said manifest or manifests, or content or contents, herein-before directed to accompany such goods, or not), be thrown overboard, or staved, or otherwise in any manner destroyed (except in case of unavoidable necessity, proof of which shall be made, to the satisfaction of the commissioners of his Majesty's customs in *England* and *Scotland* respectively), the master, or other person having or taking the charge or command of the ship or vessel on board of which such offence shall be committed, shall forfeit two hundred pounds.

Importers, &c. within 20 days after the master's report, to make entry, with

XIV. And be it further enacted by the authority aforesaid, That all and every importer or importers, proprietor, or proprietors, or consignee or consignees, of any goods imported or brought into *Great Britain* as aforesaid, shall severally and respectively, within twenty days after the master, or other person having

the proper officer, of all goods imported, &c. by them, and pay the duties.

having or taking the charge or command of such ship or vessel, shall have made his report or entry upon oath, in manner herein-before directed, or after the expiration of the time within which he is required by law so to do, make a due entry in writing, in the usual and accustomed manner, with the collector or other chief officer of the customs, at the port in *Great Britain* where the ship or vessel so laden as aforesaid shall arrive, of all the goods so by them, and each and every of them, respectively, imported in such ship or vessel, or of which they and each and every of them are the importers, proprietors, or consignees, respectively, and shall pay the full duties due and payable, in ready money, for such goods, within the time aforesaid; and that if he or they respectively shall fail in so doing, it shall and may be lawful for the officers of the customs to convey such goods to his Majesty's warehouse at the custom-house for security of the duties; and if the full duties are not paid for such goods within the space of three calendar months from the time they shall be so brought to the said warehouse at the custom-house, they shall and may be then forthwith sold, and the produce applied agreeably to an act, passed in the twelfth year of the reign of her late majesty Queen *Anne*, intituled, *An act for encouraging the tobacco trade*; any law, usage, or custom to the contrary notwithstanding: provided nevertheless, That nothing herein-before contained shall extend, or be construed to extend, to the selling of any goods which may by law be entered and warehoused, upon bond or security being given for the whole of the duties due thereon.

12 Annæ, c. 8.

From Aug. 1, 1786, no vessel shall be cleared out for foreign parts, until the master and mate have given bond not to land illegally any goods on board, etc.

XV. And be it further enacted by the authority aforesaid, That, from and after the first day of *August*, one thousand seven hundred and eighty-six, it shall not be lawful for any officer or officers of his Majesty's customs in *Great Britain* to permit or suffer any ship or vessel to be cleared out for foreign parts, from any port or place whatever in *Great Britain*, until the master, or other person having or taking the charge or command of such ship or vessel, and the mate of such ship or vessel, shall severally and respectively give security to his Majesty, his heirs and successors, by bond, in the penalty of two hundred pounds, (which security shall be taken by the collector, or other principal officer of the customs, at such port or place, who is hereby authorised and required to take such security), with condition that such master, or other person having or taking the charge or command of such ship or vessel, or such mate, as the case may be, will not at any time thereafter land, or cause to be landed, any goods, in any part of this kingdom, in any manner which is or shall be prohibited by law, or take the same on board in order to their being so landed, nor be anywise concerned, or aiding or assisting in fraudulently importing, unshipping, or landing the same, and will not hinder, molest, or oppose, any of his Majesty's officers of the customs or excise, or any other person or persons assisting them, or either of them, in the due execution of their respective offices or employments; or until such master, or

or other person having or taking the charge or command of such ship or vessel, shall produce a certificate, under the hand of the collector, or other principal officer of the customs, at some other port or place in *Great Britain*, of such security having been before given at such other port or place, to such collector or other principal officer, by such master and mate.

Clause relative to goods exported in bales press-packed, etc.

XVI. And be it further enacted by the authority aforesaid, That there shall not be paid or allowed to any person whatsoever, upon the exportation of any goods entitled to either drawback, or bounty, upon exportation, any drawback, bounty, or allowance whatever, if the goods are in bales press-packed, unless the several different names and species of the goods and the quantities and qualities thereof, respectively, shall be verified by the respective master packer or master packers thereof, or one of them, or in case of the absence of such master packer or master packers, or one of them, from sickness or other unavoidable necessity, by the foreman, or other servant of such master packer, or master packers, respectively, who shall have actual knowledge of the contents of the bales so respectively press-packed, in the following manner; (that is to say), If the goods are packed at the port whence they are to be exported, or within ten miles thereof, then by oath made and subscribed upon the entry or cocquet, before the collector or comptroller, or other chief officer of the customs at such port, (who is and are hereby respectively authorised to administer the same); and if such goods are packed at any greater distance than ten miles from the port from whence the goods are to be exported, then on the like oath made, and subscribed in manner aforesaid, before some magistrate or justice of the peace for the county or place where such master packer or packers shall reside.

Penalty on masters who shall not deliver cocquets to the proper officer;

or whose cargo shall not be agreeable thereto.

XVII. And be it further enacted by the authority aforesaid, That every master, or other person having or taking the charge or command of any ship or vessel, on board of which any goods shall be shipped for exportation to foreign parts, from any port or place in *Great Britain*, shall, upon demand, produce and deliver to each and every officer or officers of his Majesty's customs, who shall come on board his ship or vessel, either within the limits of any port in *Great Britain*, or within four leagues of the coast thereof, all and each and every cocquet or cocquets delivered to him by the proper officer or officers of the customs, at the port or ports, place or places, where the ship or vessel shall have been cleared out, for the examination and inspection of every such officer or officers, under the penalty of one hundred pounds; and if such officer or officers shall find any of the goods on board such ship or vessel not to correspond with the cocquet or cocquets so produced, he or they is and are hereby authorised and required to seize the said goods, which shall be forfeited; or if such officer or officers shall discover that any of the packages indorsed upon the cocquet or cocquets so produced, are not on board the said ship or vessel, the master,

or

or other person having or taking the charge or command of the ship or vessel, shall forfeit the sum of twenty pounds for each and every package contained in such cocquet or cocquets, and not found.

Debentures on exportation of goods entitled to drawback, or bounty, to be made out in the names of the real owners.

XVIII. And be it further enacted by the authority aforesaid, That no entry shall pass, nor any debenture be made out, upon exportation to foreign parts from *Great Britain*, of any goods whatever, which are entitled either to drawback or bounty upon exportation, but in the name of the real owner or owners, or proprietor or proprietors of the goods, if they, or any of them, are resident in *Great Britain*; and that before such owner or owners, or proprietor or proprietors, shall receive the drawback or bounty, or any allowance to which such goods may be entitled, or any part thereof, one or more of them, and not any broker or agent on his or their behalf, shall, upon the debenture, verify, by oath, his or their so being the real owner or owners, or proprietor or proprietors, of such goods, and also that the goods are really and *bona fide* exported to foreign parts, and have not been relanded in *Great Britain*; any law, custom, or usage to the contrary notwithstanding: provided always, That such real owner or owners, or proprietor or proprietors of such goods, if he or they shall not have purchased or obtained a right to, or property in, the drawback to which such goods are intitled, shall, and is and are hereby required, at the time such goods are entered for exportation, to acknowledge in writing under his or their hands upon the entry, the person or persons who is or are intitled to such drawback; and such person or persons shall, after the requisites of this act are fully complied with, receive such drawback; and the receipt of such person or persons upon the debenture shall be an acquittal and discharge for such drawback: provided nevertheless, That nothing in this act shall extend, or be construed to extend, to hinder or prevent the agent of any corporation or company trading by a joint stock from making oath, in the manner now by law allowed, to entitle such corporation or company to obtain any drawback or allowance upon the exportation of goods from *Great Britain*; nor to hinder or prevent any proprietor or proprietors of lands in any of his Majesty's colonies or plantations, nor any person or persons whatever, from exporting from any place, other than that at which he or they reside, if such person or persons shall reside at a greater distance than twenty miles from such place, any goods or commodities whatever; nor any person or persons whatever from exporting from any place, other than that at which he or they reside, any goods whatsoever, of *British* manufacture, (being the property of such person or persons), by and in the name of an agent, and such agent is hereby authorised to do and perform every act and thing, to entitle the real proprietor or proprietors of the goods to all and every bounty, drawback, or allowance, due by law upon the exportation of such goods, and to recover the same in as full and ample manner as if the real proprietor or proprietors was or were to act therein;

Companies trading by a joint stock may employ an agent, etc.

therein; provided such agent shall testify upon oath, on the back of the debenture, over and besides what is already by law required to be testified upon oath before the collector or comptroller, or other chief officer of the customs, (who is and are hereby authorised to administer the same), the name or names of the real proprietor or proprietors of the goods, and his or their known place of abode, and shall, if required by the said collector or comptroller, or other chief officer, give good and sufficient reason for his knowledge of the place to which the goods are intended to be exported.

From Sept. 29, 1786, no bounty, etc. to be paid for goods exported to Ireland, Guernsey, etc. without a proper certificate.

XIX. Provided always, and it is hereby further enacted by the authority aforesaid, That, from and after the twenty-ninth day of *September*, one thousand seven hundred and eighty-six, no bounty or premium shall be paid or allowed for or upon any goods whatsoever exported from this kingdom to *Ireland*, and that no drawback, bounty, or premium shall be paid or allowed for or upon any goods whatever exported from this kingdom to the islands of *Guernsey* or *Jersey*, nor any debenture made out for such drawback, bounty, or premium, until a certificate shall be produced, under the hands and seals of the collector, comptroller, and surveyor of the customs, or any two of them, belonging to such port in *Ireland*, or from the register of certificates, or other chief officer of the customs in the said islands of *Guernsey* or *Jersey*, as such goods shall have been respectively landed at, certifying that the goods have been duly landed there; any law, custom, or usage to the contrary notwithstanding.

Goods intitled to drawback, etc. by whom to be put on board.

XX. And be it further enacted by the authority aforesaid, That no goods whatever, intitled to either drawback, bounty, or premium, shall be carried or put on board any ship or vessel whatever for exportation to foreign parts by any person or persons whatever, (except the proper officers of the revenue), other than such person or persons as shall be authorised for that purpose, by licence under the hands of the commissioners of his Majesty's customs, or any four or more of them, for the time being, who are hereby authorized to grant the same, and to require such security as they may deem necessary, by bond or otherwise, to be given by the person or persons to whom they shall grant such licence, for the actual delivery of the whole of the goods on board such ship or vessel to the officers of the revenue stationed on board, and for the faithful and incorrupt dealing, in every respect of such person or persons in regard to such goods; which said persons so to be licensed as aforesaid, shall and are hereby required, upon carrying such goods on board any ship or vessel, to give clear and full information thereof, in writing, to the master, or other person then in charge of such ship or vessel, for the better enabling the master to give notice, as required by this act, previous to his clearing out with drawback or bounty goods; which licence, when granted by the commissioners of the customs, shall not be withdrawn by them, or the operation under the same in any manner hindered, obstructed or prevented, unless either the person or persons to whom such licence shall have been granted, or some other person or persons employed

by them, and with his or their privity or consent, shall commit some act against any law now made, or hereafter to be made, to secure the revenue of customs or excise, and shall be convicted thereof, in which case the said commissioners shall and are hereby authorised and required to withdraw such licence.

To whom licences for that purpose shall be granted.

XXI. Provided always, and be it further enacted by the authority aforesaid, That the commissioners of his Majesty's customs shall, and are hereby required to grant such licence as aforesaid to all and every person and persons who is or are now, by law, intitled to carry or put on board such goods, and who shall give such security as the said commissioners, or any four or more of them, shall deem necessary, and to no other person or persons whatever.

Penalty on masters of vessels who shall neglect to bring to at the usual places appointed for stationing officers of the revenue.

XXII. *And whereas it has frequently happened, That ships or vessels, as well bound to* Great Britain *from foreign parts, as from* Great Britain *to foreign parts, have passed the usual places appointed for stationing officers of the revenue on board of vessels, and for relieving or landing such officers, without bringing to for such purpose*; be it therefore enacted by the authority aforesaid, That the master, or other person having or taking the charge or command of any ship or vessel coming or arriving from foreign parts, shall not presume to pass such usual places, or such other places as may hereafter be appointed for that purpose by the commissioners of his Majesty's customs, or any four or more of them, for the time being, without bringing to and receiving the revenue officers on board; or, being out-ward bound for foreign parts, shall not presume to pass without bringing to at such usual places, or such places as shall be appointed as aforesaid, for the purpose of the cargo being examined, and of relieving or landing such officers, unless in case of unavoidable necessity or distress of weather, or other unavoidable accident, to be made appear to the satisfaction of the commissioners of the customs; and that every such master, or other person, who shall so pass without bringing to for the purposes aforesaid, either inward or outward-bound, shall, for each and every such offence, forfeit and lose the sum of one hundred pounds.

Revenue officers on board to have free access to the cabbin, and may open locks, etc.

XXIII. And be it further enacted by the authority aforesaid, That from and after the passing of this act, any officer or officers of his Majesty's revenue, properly authorised to examine any ship or vessel, or the cargo on board thereof, shall, at all times, have free access to the cabbin, and every other part or place in such ship or vessel; and in case any places within the cabbin, forecastle, steerage, or any other part of the ship, or any boxes, chests, or other thing contained therein, shall be locked, or in any manner fastened, and the keys shall be withheld, or the places shall not be opened for such officers respectively, on their requiring the same of the master, or other person having or taking the charge or command of such ship or vessel, such officer or officers, if they are of a degree superior to tidesmen or watermen, shall, and are hereby authorised and impowered to open the same in the best manner they can, and

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are hereby indemnified in so doing; but if such officers shall only be in the class of tidesmen or watermen, they shall, and are hereby required to send for their superior officer, who is hereby in like manner authorised to open, or cause the same to be opened; and shall be, and is and are hereby indemnified in so doing.

XXIV. *And whereas, by an act passed in the ninth year of his present Majesty's reign,* (*intituled,* An act for better securing the duties of customs upon certain goods removed from the out ports, and other places, to *London*; for regulating the fees of the officers of his Majesty's customs, in the province of *Senegambia* in *Africa*; for allowing to the receivers general of the duties on offices and employments in *Scotland* a proper compensation for their trouble and expences; for the better preservation of hollies, thorns, and quickets, in forests, chases, and private grounds, and of trees and underwoods in forests and chases; and for authorising the exportation of a limited quantity of an inferior sort of barley, called *Bigg*, from the port of *Kirkwall* in the islands of *Orkney*), *it is amongst other things enacted, That no* Nanquin *cloth, muslins, foreign callicoes, or foreign dimity, exceeding in quantity one intire piece; and no china earthenware, exceeding in number twelve pieces,* (*if the same shall have been imported or seized at any out port in* Great Britain), *shall be brought, removed, or carried, either by land or by water, from any out port, or other place whatsoever, in* Great Britain, *into the port of* London, *or the members thereof, or to any place whatever, within the distance of twenty miles from the* Royal Exchange *of* London, *without a certificate from the collector, or other proper officer of his Majesty's customs, at the port or place where such goods were imported or seized, certifying that the duties upon the importation of such goods have been duly paid or satisfied, or that the said goods have been before compounded for, or condemned, which facts shall be verified by the oath of the importer or proprietor thereof, referring to the times when, and the place where, such goods were entered, condemned, or compounded for; and if such goods shall have been imported or seized within the port of* London, *and sent from thence to any out port for sale, they shall not be removed as aforesaid from any out port into the port of* London, *or the members thereof, or to any place whatsoever within the distance of twenty miles from the* Royal Exchange *of* London, *without a certificate from the collector or other proper officer of his Majesty's customs, at or nearest to the port or place from whence such goods are intended to be removed, certifying that the owner or proprietor of such goods hath made oath before him, that the said goods, and every part thereof, had been sent to such owner or proprietor from* London, *for sale, in the lawful way of trade, referring to the time when, with the name and residence of the person from whom, such goods were sent, and that such owner or proprietor verily believed the duties payable upon the importation of such goods had been duly paid and satisfied, or that the said goods had been before compounded for or condemned; and the said respective certificates shall express the quantity and quality of the said goods, with the marks of* Recital of 9 Geo. 3. c. 41.

the package thereof, to what places, and to whom, the same are consigned, and by what carriage the same are intended to be removed; and, if the said goods are removed by land, the said certificate shall also express and limit the time for which the same shall continue in force: and whereas further regulations are necessary, to attain the good purposes intended by the said act: be it therefore enacted by the authority aforesaid, That, from and after the passing of this act, no goods or commodities whatever, of the growth, production, or manufacture of the countries beyond the *Cape of Good Hope*, shall in any manner, or upon any pretence whatever, be brought, removed, carried, or conveyed, either by land or by water, from any place whatever, into the cities of *London* and *Westminster*, and the liberties thereof, or the borough of *Southwark*, and the several suburbs thereof, or into the parishes of *Saint Mary le bon*, and *Saint Pancras*, in the county of *Middlesex*, without a certificate, as directed by the said last recited act, made in the said ninth year of his present Majesty's reign, or without a certificate from the collector or other proper officer of his Majesty's customs in the port of *London*, certifying that the duties have been duly paid for the same at the importation thereof, or that the same have been before compounded for or condemned; which shall be verified by the oath of the proprietor or proprietors of such goods, referring to the time or times when such goods were entered, compounded for, or condemned, under the penalty of the forfeiture of all such goods, and of the packages, which shall be so brought, removed, carried, or conveyed into, or which shall be found carrying, conveying, or removing to, the said cities and places aforesaid, or any of them, with intent to bring such goods into some or one of the cities or places aforesaid without such certificate as before directed, together with the boats, carts, horses, cattle, and carriages, made use of in the removal, carriage, or conveyance of the same, and the furniture belonging thereto.

No goods, the growth or manufacture of any country beyond the Cape of Good Hope, shall be brought into London or Westminster, etc. without a proper certificate that the duties have been duly paid, etc.

XXV. And be it further enacted by the authority aforesaid, That if, from and after the passing of this act, any dispute shall arise, touching the place to which such goods or commodities, as aforesaid, were removing, carrying, or conveying, the claimer or claimers of such goods or commodities shall prove that they were removing, carrying, or conveying to some place, other than the cities and places aforesaid; and that the proof of their being removing, carrying, and conveying to the cities and places aforesaid, shall not lie on the officer who shall seize or stop such goods.

The proof of the place to which such goods were removing to lie on the claimer.

XXVI. Provided always, and it is hereby enacted by the authority aforesaid, That nothing in this act shall extend, or be construed to extend, to forfeit any of the aforesaid commodities, which shall be removed, or found removing, as before mentioned, if it shall appear, to the satisfaction of the commissioners of the customs, that such goods were bought in a lawful and open way of trade, or are the property of private persons, and have been used as their domestick furniture.

In certain cases such goods may be removed without forfeiture thereof.

XXVII. And

Commanders of his Majesty's ships of war, etc. may seize any vessels or goods subject to forfeiture.

XXVII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commanders of any of his Majesty's ships or vessels of war, or any commissioned warrant or petty officer, specially authorised by them, to seize, without having any deputation or commission from the commissioners of his Majesty's customs or excise for that purpose, any goods or commodities whatever, or any ships or vessels whatever, which shall be subject to forfeiture by this act, or by any other act or acts of parliament now in force, for any offence against the revenue of customs or excise: provided the commander of such ship or vessel of war shall bring, or cause to be brought, every such seizure to his Majesty's warehouse at the nearest custom-house to which such seizure can conveniently be brought, and shall there lodge and deposit the same, in the custody, and under the charge and care of the proper officer of the customs, in case the seizure shall be made under any act for securing the revenue of customs, or in the custody, and under the charge and care of the proper officer of excise, in case it shall be made under any act for securing the revenue of excise only; and shall, in all respects, in regard to the prosecution or delivery of any such seizure, conform to all and each and every of the rules, regulations, and restrictions to which the officers of his Majesty's customs and excise are now, in case of such seizures made by them respectively, subject; any law, custom, or usage to the contrary notwithstanding.

Witnesses to be examined on oath before the surveyors general of the customs.

XXVIII. *And whereas great difficulties have arisen in ascertaining the truth of facts relative to his Majesty's revenue of customs, as well as to the conduct of the officers employed therein, upon examinations and inquiries made by the surveyors general of the customs*; be it therefore enacted by the authority aforesaid, That, from and after the passing of this act, any person or persons examined before them as a witness or witnesses, or any or either of them, respectively, shall deliver his, her, or their testimony upon oath, to be administered by the surveyor general, or surveyors general respectively, who shall examine them; and such surveyor or surveyors general are hereby authorised to administer such an oath accordingly; any law, custom, or usage to the contrary notwithstanding.

Persons making a false oath, etc. to be deemed guilty of perjury.

XXIX. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall be convicted of making a false oath, touching any of the facts directed or required by this act to be testified on oath, or of giving false evidence, on his, her, or their examination on oath before the surveyors general of the customs, or any one or more of them, respectively, in conformity to the directions of this act, such person or persons so convicted as aforesaid shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

Penalties and forfeitures how to be recovered and applied.

XXX. And be it further enacted by the authority aforesaid, That all penalties and forfeitures created and incurred by this act, shall and may be sued for, prosecuted, recovered, and disposed

posed of, in such manner, and by such ways, means, and methods, as any penalties incurred, or any goods or vessels forfeited for any offence against the laws of customs, may now legally be sued for, prosecuted, recovered, and disposed of; and the officer or officers concerned in seizures or prosecutions under this act, shall be entitled to, and receive such share of the produce arising from the seizures as they are now by law entitled to upon prosecutions of seizures for unlawful importation, and to such share of the produce arising from any pecuniary fine, or penalty, or composition, paid for any offence against this act, as they are now by any law or regulation entitled to upon prosecutions for pecuniary penalties.

If in a trial for seizure of goods, wherein a verdict shall be given for the claimer, there shall appear to have been probable cause for such seizure, the defendant shall not be intitled to costs, etc.

XXXI. And be it further enacted by the authority aforesaid, That, from and after the passing of this act, in case any information shall be commenced and brought to trial, on account of the seizure of any goods, or of any ship, boat, or other vessel, or of any horse, cattle or carriage, as forfeited by this or any other act of parliament relating to his Majesty's customs or excise, or other his Majesty's revenues, wherein a verdict or sentence shall be given for the claimer thereof, and it shall appear to the judge, justice, or court, before whom the same shall be tried or heard, that there was a probable cause of seizure, the judge, justice, or court before whom the same shall be tried or heard, shall certify on the record or other proceedings that there was a probable cause for the prosecutor's seizing the said goods, ship, boat, or other vessel, horse, cattle, or carriage; and in such case the defendant shall not be entitled to any costs of suit whatsoever, nor shall the persons who seized the said goods, ship, boat, vessel, horse, cattle, or carriage, be liable to any action, or other suit or prosecution, on account of such seizure; and in case any action, or other suit or prosecution, shall be commenced and brought to trial or hearing against any person or persons whatsoever, on account of the seizing any such goods, ship, boat, vessel, horse, cattle, or carriage, where no information shall be commenced or brought to trial to condemn the same, and a verdict or sentence shall be given, upon such action or prosecution, against the defendant or defendants, if the court or judge before whom such action or prosecution may be brought shall certify, in like manner as aforesaid, that there was a probable cause for such seizure, then the plaintiff, besides his goods, ship, boat, vessel, horse, cattle, or carriage so seized, or the value thereof, shall not be entitled to above two-pence damages, nor to any costs of suit, nor shall the defendant in such prosecution be fined above one shilling.

Commencement of this act.

XXXII. And be it further enacted by the authority aforesaid, That the several regulations in this act contained, except where the time for commencement thereof is otherwise in this act fixed and provided for, shall commence from and after the following periods; *videlicet*, In respect to ships or vessels coming from any part of *Europe*, from and after the twenty-fifth day of *December*, one thousand seven hundred and eighty-six; in respect

spect to ships or vessels coming from any part of *Africa* or *America*, from and after the twenty-ninth day of *September*, one thousand seven hundred and eighty-seven; and in respect to ships and vessels coming from *Asia*, from and after the twenty-fifth day of *March*, one thousand seven hundred and eighty-eight.

Recital of 3 Geo. 3. c. 22.

XXXIII. *And whereas, by an act of parliament made in the third year of the reign of his present Majesty*, (*intituled*, An act for the further improvement of his Majesty's revenue of customs; and for the encouragement of officers making seizures; and for the prevention of the clandestine running of goods into any part of his Majesty's dominions), *it is, amongst other things, enacted, That it shall and may be lawful to and for the commissioners of his Majesty's customs to cause all ships, vessels, and boats, and all goods, of what kind soever they may be* (*excepting only such vessels, boats, and goods as are by law liable to be burnt*), *which shall be seized by any officers of the customs for unlawful importation, or for nonpayment of duties, or for any other cause of forfeiture, and condemned, according to law, to be sold publickly to the best bidder, at such places as the said commissioners shall think proper: and whereas, by an act made in the fourth year of the reign of his present Majesty* (*intituled*, An act for granting certain duties in the *British* colonies and plantations in *America*; for continuing, amending, and making perpetual, an act passed in the sixth year of the reign of his late majesty King *George* the Second, (intituled, *An act for the better securing and encouraging the trade of his Majesty's sugar colonies in* America); for applying the produce of such duties, and of the duties to arise by virtue of the said act, towards defraying the expences of defending, protecting, and securing, the said colonies and plantations; for explaining an act made in the twenty-fifth year of the reign of King *Charles* the Second, (intituled, *An act for the encouragement of the* Greenland *and* Eastland *trades, and for the better securing the plantation trade*); and for altering and disallowing several drawbacks on exports from this kingdom, and more effectually preventing the clandestine conveyance of goods to and from the said colonies and plantations, and improving and securing the trade between the same and *Great Britain*); *it is, amongst other things, enacted, That all forfeitures and penalties inflicted by that or any other act or acts of parliament, relating to the trade and revenues of the* British *colonies or plantations in* America, *which shall be incurred there, shall and may be prosecuted, sued for, and recovered in any court of record, or in any court of admiralty, in the said colonies or plantations where such offence shall be committed, or in the court of vice admiralty, which may or shall be appointed over all* America; *which court of admiralty, or vice admiralty, are thereby respectively authorised and required to proceed, hear, and determine the same, at the election of the informer or prosecutor; but the said last recited act not having given any directions by whom ships and goods so seized and prosecuted in the said* British *colonies or plantations shall be sold, after the condemnation thereof, and it being expedient that the same should be sold, by the officers of his Majesty's revenue,* 4 Geo. 3. c. 15.

in like manner as they are sold in Great Britain: in order, therefore, to obviate any doubts that have arisen or may arise in such cases, it is hereby further enacted by the authority aforesaid,

From Sept. 29, 1786, all vessels and goods seized and condemed in the British colonies in America, shall be sold there by public auction.

That from and after the twenty-ninth day of *September*, one thousand seven hundred and eighty-six, all ships and vessels, and all goods, of what kind soever they may be, which shall be seized in pursuance of any act or acts made in *Great Britain*, relative to the trade and revenue of the said *British* colonies or plantations, and which shall be condemned there, in any court having jurisdiction to try and determine the same, shall be sold by publick auction to the best bidder, at the custom-house, by the collector and comptroller, or other principal officer of the customs, for the island, colony, or plantation, in whose custody such ship, vessel, or goods shall be lodged and secured; and the produce of such sale shall be accounted for and applied by such collector and comptroller, or other principal officer of the customs, according to law, subject to the orders and directions of the commissioners of his Majesty's customs in *England*, or any four or more of them; any law, custom, or usage, to the contrary notwithstanding.

CAP. XLI.

An act for the further support and encouragement of the fisheries carried on in the Greenland *seas and* Davis's Streights.

Preamble.

WHEREAS *the fisheries carried on in the* Greenland *seas and* Davis's Streights *have been raised, by the bounties and encouragements already given, to a very flourishing condition: and whereas the said bounties will cease and expire on the twenty-fifth day of* December, *one thousand seven hundred and eighty-six, and it will be proper further to encourage and support the said fisheries, by granting, to ships employed therein, such other bounties as the present state of the publick revenue may justify, and the nature and condition of the said fisheries appear now to require:* be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same,

For five years from Dec. 25, 1786, British ships going on the whale fishery must be visited by an officer of the customs, who shall certify the admeasurement, etc. to the commissioners.

That, for and during the space of five years, to be computed from the said twenty-fifth day of *December*, one thousand seven hundred and eighty-six, the bounties herein-after mentioned shall be paid and allowed under the several rules and restrictions herein-after expressed and directed; (that is to say),

Every *British* built ship or vessel, owned by a *British* subject or *British* subjects usually residing in *Great Britain*, or in the islands of *Guernsey*, *Jersey*, or *Man*, which shall, within the time limited by this act, proceed from any port of *Great Britain*, or the islands aforesaid, on the whale fishery, to the *Greenland* seas, or *Davis's Streights*, or to the seas adjacent, and which shall be manned and navigated with a master, and three fourths of the mariners at least, being *British* subjects, usually residing in *Great Britain*, *Ireland*, or in the islands aforesaid, shall, before

fore she proceeds on such voyage, or be intitled to the benefits of this act, be visited by the proper officer or officers of the customs belonging to such port, who shall examine into such ship or vessel and take an account of the tonnage thereof by admeasurement, and shall certify such his or their visitation, and examination and admeasurement, to the commissioners of his Majesty's customs; and if it appears by the certificate of such officer or officers that she hath on board such a number of men, provisions, boats, fishing lines, and instruments to be used in such fishery, as herein-after are mentioned; that she is strongly built, and otherwise a proper ship for such voyage and fishery, and hath on board, among her crew, a sufficient number of harpooners, steersmen, and line managers, who have before been employed in such voyages, (the names of such persons to be contained in such certificate); and if it further appears, by the oath of one or more owner or owners, and of the master or chief officer of such ship or vessel, written at the foot of such certificate, and made before the principal officers of the customs of such port, or any two of them, whereof the collector shall be one, (who are hereby impowered and required to administer the same), that it is really and truly their firm purpose and determined resolution that such ship shall, as soon as licence shall be granted, forthwith proceed, so manned, furnished, and accoutred, on a voyage to the *Greenland* seas, or *Davis's Streights*, or the seas adjacent, and there, in the then approaching season, to use the utmost endeavours of themselves, and their ship's company, to take whales, or other creatures living in the sea, and on no other design or view of profit in such voyage, and to import the whale fins, oil, and blubber thereof, into the kingdom of *Great Britain*, (naming the port thereof to which it is their intention to return); and if the master, after such certificate had and oath made, do also become bound, with two sufficient securities, unto his Majesty, his heirs and successors, in the penalty of such sum as shall be equal to treble the bounty granted by this act, (which bond the said collector, with the approbation of the comptroller, is hereby, as far as relates to the bounties granted by this act, authorized to take, and which is to be in force, for the term of three years, against the master and sureties, for the faithful dealings of the said master and ship's company in regard to the said ship and voyage), then, and in all such cases, it shall and may be lawful for any three or more of the commissioners of the customs in *England* and *Scotland* respectively for the time being, on receiving such certificates and oaths made, and it being certified to them by the collector and comptroller of such port, that sufficient security hath been given as aforesaid, to give and grant, and they are hereby required to give and grant to the master and owners of such ship, full licence and authority to proceed on such voyage as aforesaid.

If such certificate proves the ship is fit for the voyage,

and if oath is made of the intention to proceed forthwith thereon,

and to import the whale fins, etc. into Great Britain,

the commissioners, on security being given, may grant licence to the ship.

II. *And, to prevent any disputes that may arise, whether a ship be properly qualified and duly fitted out for the whale fishery, according to the*

What number of men, fishing lines, &c. must be on board.

the true intent and meaning of this act, and intitled to a certificate thereof from the custom-house officers; it is hereby enacted, That every ship of the burthen of two hundred tons, designed for this fishery, shall and is hereby obliged to have on board forty fishing lines of one hundred and twenty fathom each, forty harpoon irons, four boats, with seven men at the least (including an harpooner, a steersman, and a line manager) to each boat, making in the whole twenty-eight men, besides the master and surgeon, with six months provisions at the least for such number of men; and every ship of larger burthen, an increase of six men, one boat, ten such lines, and ten harpoon irons more, for every fifty tons above the said two hundred tons, together with provisions in proportion; and every ship which shall be so employed in the said fishery, shall have on board apprentices indentured for the space of three years at the least, who shall not exceed the age of eighteen years, nor be under fourteen years of age at the time they shall be so indentured, in the proportion of one apprentice at the least for every thirty-five tons burthen, and one fresh or green man for every fifty tons burthen, which apprentices and fresh or green men shall be accounted in the number of men required to be on board such ship as aforesaid.

The officer of the customs, on return of the ship to Great Britain, shall make a report of her condition, &c.

III. And be it further enacted by the authority aforesaid, That on the return of such ship to the port of *Great Britain*, to which one or more of the owners and the master thereof had declared on oath their intention to return, the proper officers of the customs, at such port, shall immediately repair on board and view the condition of such ship and her lading, and certify the same, together with their observations thereon, as also the real tonnage of the said ship; and the said officers are also to take an account or schedule of the names of the master, mate, and other persons on board, distinguishing therein the harpooners and persons more immediately employed in the said fishery, and to certify the same; and the master and mate shall make oath before the principal officers of the customs, or any two of them, whereof the collector shall be one as aforesaid (who are hereby impowered and required to administer the same), that they did, in pursuance of the licence granted as aforesaid (mentioning the day of their departure), proceed in a voyage directly to the places aforesaid, and have not since been on any other voyage, or pursued any other design or view of profit; and that they did there (mentioning the time of their stay in those seas) use the utmost endeavour of themselves and their ship's company to take whales and other creatures living in those seas, and that all the whale fins, oil, and blubber, imported (if any) in such ship, were really and *bona fide* caught and taken in the said seas, by the crew of such ship or vessel only, or with the assistance of the crew of some other *British*-built ship or vessel licensed for that voyage, pursuant to the directions of this act, which oath shall be endorsed on, or annexed to the licence aforesaid; and the said schedule, certificate, licence, and oath, shall be transmitted by the collector and comptroller of such port to the respective

and oath shall be made of her not having deviated from the conditions on which the certificate was granted;

which documents shall be transmitted to the commissioners, who

commissioners

commissioners for that part of *Great Britain* where such ships or vessels shall arrive; and such commissioners, being fully satisfied of the faithful dealings of the master and other persons employed in such ships or vessels, with respect to such voyage and fishery, shall, on demand, cause payment to be made to the master or owners, or to his or their assigns, by the receiver-general of the customs for that part of *Great Britain* where such ships or vessels shall arrive, a bounty or premium of thirty shillings *per* ton, according to the admeasurement of every such ship or vessel duly certified as aforesaid.

shall order a bounty of 30 s. per ton.

IV. Provided always, and it is hereby further enacted by the authority aforesaid, That no person or persons shall be allowed or entitled to receive the bounty herein-before granted, for any ship which shall proceed upon the said whale fishery, from any part of *Great Britain*, or the islands of *Guernsey*, *Jersey*, or *Man*, after the said twenty-fifth day of *December*, one thousand seven hundred and eighty-six, unless such ship shall sail from the port where she shall be surveyed and cleared, directly on her intended fishery, on or before the tenth day of *April*, in each and every year, and shall continue with her crew in the *Greenland* seas, or *Davis's Streights*, or the adjacent seas, diligently endeavouring to catch whales, or other creatures living in those seas, and shall not depart from thence before the tenth day of *August* then following, unless such ship, if she be of the burthen of three hundred tons, shall be laden with thirty tons of oil, or blubber in proportion thereto, the blubber to be rated with respect to the oil as three to two, and one ton and a half of whale fins; or if she be of greater or less burthen, with a quantity of oil or blubber, and whale fins, in like proportion to the tonnage for which every such ship shall be intitled to the bounty, being the produce of one or more whale or whales caught by the crew thereof, or with the assistance of the crew of some other licensed ship, before that time, or shall be forced by some unavoidable accident or necessity to depart sooner from those seas; which accident or necessity shall be verified on the oaths of the master and mate belonging to such ship, upon her return from the said fishery, before the principal officers of the customs, or any two of them, (whereof the collector shall be one), at the port where she shall arrive, who shall transmit the same, together with the schedule, licence, and other documents by this act required, to the respective commissioners of the customs for that part of *Great Britain* where such ship shall arrive.

No person shall be intitled to the bounty, unless the ship sails from the port of survey before April 10, yearly, and continues fishing till Aug. 10, following, unless laden with the quantities of oil, &c. herein specified; or forced by unavoidable accident to depart sooner, which shall be verified on oath, and transmitted with the other documents to the commissioners of the customs.

V. And be it further enacted by the authority aforesaid, That in case it shall happen, during the continuance of this act, that any ship or vessel shall not sail from the port where she shall be surveyed and cleared, directly on her intended fishery, on or before the said tenth day of *April* in any year, provided it shall be made appear to the satisfaction of the commissioners of his Majesty's customs in *England* and *Scotland* respectively, that such ship or vessel was properly qualified and duly fitted out, according to the directions of this act, and surveyed, cleared, and ready for

If a ship ready for sailing by April 10, is by unavoidable necessity prevented from sailing till April 25.

for sailing, before the said tenth day of *April*, but was prevented from sailing by some unavoidable impediment or necessity, but shall actually have sailed on or before the twenty-fifth day of *April* in every such year, it shall and may be lawful for the said commissioners, or any four or more of them in *England*, or any three or more of them in *Scotland*, to pay the bounty for such ship or vessel, in like manner as if such ship or vessel had actually sailed on or before the said tenth day of *April*.

the bounty may be paid.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of the customs in *England* and *Scotland* respectively, to order the respective receivers general of the customs, in case the monies remaining in their hands arising from the old subsidy, shall not be sufficient, at any time or times during the continuance of this act, to satisfy the said bounty of thirty shillings *per* ton, payable on all ships employed in the said fishery, according to the directions of this present act, to pay the same out of any monies that shall be in their hands, arising from any of the duties and revenues under their management respectively.

Bounties to be paid out of any monies in the hands of the receiver general.

VII. *And whereas it hath been found by experience, that ships of one hundred and fifty tons burthen are fit for the said fishery*; be it therefore enacted and declared by the authority aforesaid, That every owner or owners of any ship or ships of one hundred and fifty tons burthen, which shall be employed in the said fishery, who have conformed themselves, in proportion to their tonnage, to the rules and directions herein-before prescribed to the owners of ships of greater burthen, shall be intitled to the said bounty, according to the admeasurement of such ship or ships respectively, provided such admeasurement be not less than one hundred and fifty tons.

Ships of 150 tons burthen entitled to the bounty.

VIII. Provided always, and be it enacted by the authority aforesaid, That no ship or vessel at this time employed in the said fishery, although she be above the burthen of four hundred tons, shall be entitled to a larger bounty than a ship of four hundred tons would be entitled to, and that she shall continue to enjoy the same for the space of five years, and no longer, from the said twenty-fifth day of *December*, one thousand seven hundred and eighty-six, in case such ship or vessel shall not be worn out, or have ceased before that time to carry on the said fishery; and that no ship or vessel which shall not, before the twenty-fifth day of *December*, one thousand seven hundred and eighty-six, have been employed in the said fishery, although such ship or vessel shall be above the burthen of three hundred tons, shall be entitled to a larger bounty than a ship or vessel of three hundred tons would be entitled to.

No ship shall be entitled to a larger bounty than for 400 tons, and only for five years from Dec. 25, 1786; and if not employed in the fishery before that day, not larger than for 300 tons.

IX. Provided also, That nothing in this present act contained shall extend, or be construed to extend, to oblige the owner or owners of any ship or vessel above the burthen of four hundred tons, or three hundred tons respectively before-mentioned, to fit out, equip, and man any such ship, otherwise than as a ship or vessel of the burthen of four hundred tons, or three hundred tons

Ships of more than 400 tons, or 300 tons, need not be fitted out but as of those bur-

tons respectively, according to the directions of this act, in order to entitle him or them to the bounty herein-before granted.

thens, to entitle them to the bounty.

X. And be it further enacted by the authority aforesaid, That no bounty granted by this act shall be paid or allowed to any person or persons whatever, on account of any ship or vessel employed in the said fishery, unless a log book shall have been constantly kept on board such ship or vessel, in which log book the various situations and occurrences, respecting such ship or vessel, during the whole course of the voyage, shall be inserted every day, and particularly the times when such ship or vessel shall have been in sight of land, distinguishing what land, and the bearings thereof, and the supposed distances therefrom, and the soundings; and also the time when, and the latitude in which, any whale, or other creature living in the sea, shall have been killed, taken, or caught by the crew of such ship or vessel; which log book, so to be kept as aforesaid, shall be delivered by the master, or other person having or taking the charge or command of such ship or vessel, at the time of his making a report of such ship or vessel, to the collector of the customs at the port in *Great Britain* where such ship or vessel shall arrive on her return from the said fishery, for his inspection and examination; and the said master, or other person having or taking the charge or command of such ship or vessel, together with the mate thereof, shall jointly and severally verify on oath the contents of such log book before such collector, who is hereby authorized and required to administer the same.

No bounty shall be allowed to any ship where a log book has not been properly kept; which shall be delivered to the collector of the customs, before whom the contents shall be verified on oath.

XI. And be it further enacted by the authority aforesaid, That in case any such ship or vessel shall, in the course of her voyage, meet or fall in with any of his Majesty's ships or vessels of war, the master, or other person having or taking the charge or command of her, shall, and is hereby required to produce to the captain, or other officer commanding such ship or vessel of war, the said log book so to be kept as aforesaid, and such captain or commanding officer shall, and is hereby required to make a memorandum in such log book, of the day on which it was so produced to him, and shall subscribe his name to such memorandum, and shall also make an entry in the log book of the said ship or vessel of war, of the name and description of the ship or vessel on board of which the log book of such ship or vessel so produced to and signed by him was kept; and in case such ship or vessel, on board of which a log book is so required to be kept as aforesaid, shall put into any foreign port, where there is or shall be a *British* consul, or other chief *British* officer, the master, or other person having or taking the charge or command of such ship or vessel, shall, and is hereby required to produce such log book to such *British* consul, or other chief *British* officer, who shall and is hereby required also to make a memorandum therein, of the day on which it was so produced to him, and shall in like manner subscribe the same.

If a ship of war is met at sea, the log book must be produced to the captain, who must make therein a memorandum of the production, &c. and must likewise be produced to the British consul at any foreign port.

XII. And be it further enacted by the authority aforesaid, That every ship or vessel, owned by his Majesty's subjects residing

Ships fitted out from Ireland, agree-

able to the regulations of this act, shall be intitled to the bounty.

siding in *Ireland*, and fitted out from any port in that kingdom, which shall have complied with the conditions of this act, to be verified by certificates, in such manner, and under the like rules, regulations, and restrictions as are required, by any law in force before the passing of this act, to entitle ships or vessels, fitted out from *Ireland*, to the bounties then existing for the encouragement of the *Greenland* and whale fishery, shall, from and after the twenty-fifth day of *December*, one thousand seven hundred and eighty-six, be entitled to such and the same bounties as the like ships or vessels fitted out from *Great Britain*, or the islands aforesaid, shall be intitled to by virtue of this act.

The owners may insure the bounty in case of the loss of the ship.

XIII. *And whereas applications have heretofore been made to parliament for the bounty on ships or vessels employed in the said fishery that have happened to be lost at sea before their return to* Great Britain, *and a doubt hath arisen, whether the said bounty may be lawfully insured by the owner or owners of such ships*; for obviating such doubt, and for preventing any future applications to parliament for the bounty on any such ships, be it declared and enacted by the authority aforesaid, That it shall and may be lawful for the owner or owners of any ship employed, or designed to be employed in the said fishery, to insure the bounty which such owner or owners would be entitled to upon the return of such ship to the port to which the master, and one or more of the owners of such ship or vessel, shall have declared, on oath, their intention to return; and on the performance of all other matters directed and appointed by this present act to be performed for obtaining the said bounty.

Whale fins, &c. may be imported in British ships duty free;

XIV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons, for and during the time limited by this act, to import into *Great Britain* whale fins, oil, or blubber of whales, seal oil, or seal skins, or any other produce of seals, or other fish or creatures taken or caught in the said *Greenland* seas, or *Davis's Streights*, or in the seas adjacent, by *British* subjects, usually residing in *Great Britain* or *Ireland*, or the islands aforesaid, in *British*-built ships or vessels, owned and navigated as before required, in regard to the bounties granted by this act, without paying any custom, subsidy, or other duty, for the same; any law, custom, or usage to the contrary notwithstanding.

but not unless oath is made that the cargo was caught by the crews of such ships.

XV. Provided always, That nothing in this act contained shall extend, or be construed to extend, to give liberty of importing any of the before-mentioned articles duty-free, unless the master and mate of the ship or vessel importing the same shall first make oath before the principal officers of the customs, or any two of them, (of which the collector shall be one), in the port or ports of importation, (who are hereby respectively authorised and required to administer such oath), that all the whale fins, oil, or blubber of whales, seal oil, seal skins, or other produce of seals, or other fish or creatures imported in such ship or vessel, are really and *bona fide* the fins, oil, or blubber of whales, or the skins, oil, or other produce of seals, or other fish

or

or creatures caught and taken in the said *Greenland* seas or *Davis's Streights*, or in the seas adjacent, by the crews of such ships or vessels only, owned, fitted out, and navigated as aforesaid.

Persons granting or using false certificates forfeit 500l.

XVI. And it is hereby further enacted by the authority aforesaid, That if any person or persons shall give or grant any false certificate for any of the purposes required or directed by this act, such person or persons shall forfeit the sum of five hundred pounds; and if any person or persons shall counterfeit, erase, alter, or falsify any certificate required or directed by this act, or shall knowingly or willingly make use of any false certificate, or of any certificate so counterfeited, erased, altered, or falsified, such person or persons shall, for every such offence, forfeit the sum of five hundred pounds, and every such certificate shall be invalid and of no effect.

No harpooner, &c. shall be impressed;

but may, when unemployed therein, sail in the colliery trade, on giving security to return the next season.

Common seamen protected till the end of the season after entry.

XVII. *And whereas the* Greenland *fishery trade cannot be carried on without a certain number of men particularly qualified to carry on the said fishery*; be it therefore enacted by the authority aforesaid, That no harpooner, line manager, or boat steerer, who shall be in, or belong to, any ship or vessel in the *Greenland* fishery trade, and whose name (distinguishing the capacity in which the person so named is to act) shall be inserted in a list, which is hereby required to be delivered, on oath, by the owner of such ship or vessel to the collector of the customs at the port from which such ship or vessel is intended to proceed upon the said fishery, (which oath such collector is hereby impowered and required to administer), shall be impressed from the said service; and that any such harpooner, line manager, or boat steerer, may, during the time of the year that he or they are not employed in the said fishery, sail in the colliery trade, upon giving security, to the satisfaction of the commissioners of the customs, that he or they will proceed in the said ship or vessel to the *Greenland* seas, or *Davis's Streights*, on the whale fishery, the next season; and that every seaman or common mariner who, after the first day of *February*, in any year during the continuance of this act, shall be entered to serve on board any ship which shall be intended to proceed on the said fishery in the following season, whose name shall be inserted in a list to be delivered as aforesaid, and who shall have given security to the satisfaction of the commissioners of the customs to proceed, and shall proceed accordingly, shall be privileged and exempt from being impressed from or out of the said service from the said first day of *February*, till after the expiration of the then next season for the said fishery, and until the voyage home from thence shall be fully complete and ended, and no longer; any law, custom, or usage to the contrary notwithstanding.

Extent of the fishery.

XVIII. And be it further enacted by the authority aforesaid, That the *Greenland* seas, and *Davis's Streights*, and seas adjacent, within the intent and meaning of this act, shall be deemed and taken to extend to the latitude of fifty-nine degrees thirty minutes north, and no farther.

XIX. And

Commissioners of the customs to lay before parliament, annually, the amount of the number of ships, etc. employed.

XIX. And be it further enacted by the authority aforesaid, That the commissioners of his Majesty's customs for *England* and *Scotland* respectively shall, at the beginning of every session of parliament, lay before both houses of parliament an account in writing under their hands, of what number of ships or vessels have been employed in the whale fishery to *Davis's Streights*, and the *Greenland* seas, with their respective names and burthens, from whence they were fitted out, and at what port in *Great Britain* they were discharged; and also what quantity of oil or blubber, or whale fins, each ship or vessel shall have imported.

How penalties are to be appropriated.

XX. And it is hereby further enacted by the authority aforesaid, That one moiety of the penalties and forfeitures inflicted by this act shall be to the use of his Majesty, his heirs and successors, and the other moiety to such officer or officers of the customs as shall sue or prosecute for the same in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*, respectively, where the offence shall be committed.

General issue.

XXI. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in such action or suit, may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon, and that the same was done in pursuance of, and by authority of this act: and if it shall appear so to have been done, then the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if judgement shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

Treble costs.

CAP. XLII.

An act for granting to his Majesty an additional duty upon battens and deals imported into Great Britain.

Most gracious Soveriegn,

Preamble.

WE your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, having taken into our most serious consideration your Majesty's most gracious speech to both houses of parliament, recommending the establishment of a fixed plan for the reduction of the national debt; and your faithful commons being desirous of obtaining that desirable object by the most easy and effectual means, have, towards that purpose, resolved to give and grant to your Majesty the several duties and impositions herein-after mentioned; and do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and

and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twelfth day of *June*, one thousand seven hundred and eighty-six, there shall be raised, levied, collected, and paid, to and for the use of his Majesty, his heirs and successors, for and upon the goods herein-after mentioned, over and above all customs, subsidies, and duties already imposed and payable thereon, the several and respective additional duties following; that is to say, For every one hundred and twenty battens, imported or brought into the kingdom of *Great Britain*, the sum of five shillings; and after that rate for any greater or less number of battens: and for every one hundred and twenty deals, imported or brought into the kingdom of *Great Britain*, the sum of twenty shillings; and after that rate for any greater or less number of deals. New duties on battens and deals imported:

II. And be it further enacted by the authority aforesaid, That the several duties herein-before granted shall be under the management and direction of the commissioners of his Majesty's customs in *England* and *Scotland* respectively, and shall be paid down in ready money, without any discount or abatement whatever, and shall be drawn back, upon the due exportation of such goods respectively to foreign parts; and the said duties shall be raised, levied, collected, recovered, and paid, and the drawbacks allowed in the same manner and form, and under the like restrictions, penalties and forfeitures, and by such rules, ways and methods, as the former duties and drawbacks for such goods are respectively raised, levied, collected, recovered, and paid and allowed, as fully, to all intents and purposes, as if the several clauses, powers, directions, penalties and forfeitures, in any act or acts of parliament now in force relating thereto, were particularly repeated and again enacted in the body of this present act. which shall be under the management of the commissioners of customs.

III. And be it further enacted by the authority aforesaid, That all the monies to arise by the duties and impositions granted by this act (the necessary charges of raising and accounting for the same excepted), shall, from time to time, be paid into the receipt of his Majesty's exchequer at *Westminster*, distinct and apart from all branches of the publick revenue, and shall be carried to, and made part of, the fund commonly called the *Sinking Fund*, and shall be applicable to the same uses and purposes as the said sinking fund is now applicable unto. Application of the duties.

IV. *And whereas standing contracts may have been made before the first day of* May, *one thousand seven hundred and eighty-six, by the importers or proprietors of battens and deals for serving persons with such battens and deals, or either of those articles respectively, to be delivered in point of time after the said twelfth day of* June, *one thousand seven hundred and eighty six*; be it therefore enacted by the authority aforesaid, That, from and after the said twelfth day of *June*, one thousand seven hundred and eighty-six, the importers or proprietors of such battens and deals, or either of those articles respectively, which shall be delivered after the said twelfth day of *June*, one thousand seven hundred and eighty-six, in Clause relative to contracts made before May 1, for delivering battens, etc after June 12, 1786.

in pursuance of such contracts, shall be allowed to add the duties hereby charged upon such battens and deals, or either of those articles respectively, and shall be intitled by virtue of this act to be paid the same accordingly.

Proviso. V. Provided nevertheless, That the parties who have contracted to receive the said goods shall have the liberty to annul and cancel the bargains they have entered into, in case they chuse so to do, rather than pay the said addition of duties.

CAP. XLIII.

An act to continue and render more effectual an act, passed in the twenty-first year of his Majesty's reign, for the encouragement of the growth of hemp and flax, in that part of Great Britain called England.

Recital of act 7 Geo 3. c. 58. and act 10 Geo. 3. c. 40. and act 21 Geo. 3. c. 58. and act 22 Geo. 3. c. 82. so much of recited acts 21 and 22 Geo. 3. repealed, as relates to putting the management or distribution of 8000l. or eight fifteenth parts of money, for the encouragement of raising and dressing hemp and flax, under commissioners of trade and plantations, or committee of privy council, repealed. Grants for the encouragement of growth, etc. of hemp and flax put under management of the treasury. Bounties continued for 7 years. Claims for bounties to be exhibited to a justice, to be laid before the quarter session. Claimants must give bond that the bounties have been duly claimed. At every quarter sessions the bounties granted must be published, and the conditions required, on making such claims. And at Midsummer sessions, annually, the names, etc. of claimants published. Treasury are to order receivers of the land tax to issue money to the justices to pay the bounties. Account of hemp sold to be delivered therewith, and receipt given to the seller by the buyer. All unsettled claims shall be finally settled at the first quarter sessions after passing this act. Annual account of hemp raised, and bounties paid, shall be laid before parliament. A reasonable allowance shall be made to the clerks of the peace for their trouble. Recited acts of 7. 10. and 21 Geo. 3. continued. Continuance of this act, for 7 years, from March 25, 1787, and to the end of the next session.

CAP. XLIV.

An act for the further relief of debtors, with respect to the imprisonment of their persons; and to oblige debtors, who shall continue in execution in prison beyond a certain time, and for sums not exceeding what are mentioned in the act, to make discovery of, and deliver upon oath, their estates for their creditors benefit.

Preamble. WHEREAS *it may be reasonable to extend the benefits of an act, passed in the thirty-second year of the reign of his late majesty*

32 Geo. 2. c. 28. *King* George *the Second, of glorious memory, intituled,* An act for relief of debtors, with respect to the imprisonment of their persons; and to oblige debtors, who shall continue in execution in prison beyond a certain time, and for sums not exceeding what are mentioned in the act, to make discovery of, and deliver upon oath, their estates for their creditors benefit, *to several persons who have neglected to take the benefit of the same, and also to several persons who were not entitled to any benefit under the said act:* be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons,

commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, every person now or hereafter in execution for any sum or sums of money, not exceeding two hundred pounds, shall be entitled to such relief as by an act passed in the thirty-second year of his late majesty King *George* the Second, intituled, *An act for relief of debtors, with respect to the imprisonment of their persons; and to oblige debtors, who shall continue in execution in prison beyond a certain time, and for sums not exceeding what are mentioned in the act, to make discovery of, and deliver upon oath, their estates for their creditors benefit*, is granted to persons charged in execution for any sum or sums of money not exceeding one hundred pounds.

The relief granted to debtors not exceeding 100l. by 32 Geo. 2 c. 28. extended to all not exceeding 200l.

II. And be it further enacted by the authority aforesaid, That every creditor or creditors, his, her, or their executors or administrators, at whose suit any debtor shall be charged in execution for any sum or sums not exceeding the sum of two hundred pounds, shall have such remedy, by compelling such debtor to deliver up his or her estate and effects for the benefit of his or her creditors, as is provided by the before recited act, in cases where the sum for which such debtor shall be in execution does not exceed the sum of one hundred pounds.

Creditors for less than 100l. may compel debtor to deliver up effects, etc.

III. *And whereas many persons are often committed on attachments, for not paying money awarded to be paid under submissions to arbitation by rules of court, or under submissions to arbitration bonds, and which submissions have been made rules of the court, in pursuance of an act passed in the ninth and tenth years of the reign of* William *the Third*, for determining differences by arbitration, *and likewise for not paying of costs duly and regularly taxed and allowed by the proper officer, after proper demands made for that purpose; and also upon any writ of* excommunicato capiendo, *or other process for, or grounded on the nonpayment of costs or expences in any cause or proceeding in any ecclesiastical court*; it is hereby declared and enacted, That all such persons are and shall be intitled to the benefit of this act, and subject to the same terms and conditions as are herein expressed and declared with respect to prisoners for debt only.

9 & 10 Gul. 3. c. 15.

IV. And be it further enacted, That all gaolers and keepers of prisons are hereby directed and required to give notice of this act to all persons in their custody for debt, within three days after such persons shall have been respectively committed or charged in execution, so as to make the same clearly and perfectly understood; and if any gaoler or keeper of a prison shall neglect to give such notice according to the true intent and meaning of this act, he shall forfeit and pay, to any person who shall sue for the same, the sum of fifty pounds, to be recovered by him or her by action of debt in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, wager of law, privilege, or imparlance, shall be admitted or allowed; and in every such action the proof shall lie on the person against whom the same shall be brought: provided nevertheless, that

Gaolers to give notice of this act to all debtors in their custody, etc.

on penalty of 50l.

such action shall be brought within six calendar months after the cause of action accrued.

Time allowed debtors for taking the benefit of the recited act extended.

V. And be it further enacted, That where any debtor as aforesaid shall have neglected to take the benefit of the said act, within the time limited by the said act, and shall have remained in prison by the space of one year, and shall make it appear to the court out of which such execution issued, that such neglect arose from ignorance or mistake, such debtor shall then be entitled to take the benefit of the said act, as if he or she had taken the same within the time by the said act so limited as aforesaid.

Creditors may file interrogatories, etc.

VI. Provided always, That it shall be lawful for any creditor or creditors, at whose suit any debtor shall be so in execution as aforesaid, to file interrogatories for the examination of such prisoner, before his or her being admitted to take the benefit of this or the before recited act.

Not to extend to debts due to the crown, etc.;

VII. Provided always, That this act shall not extend to any debt or debts that may be owing to the crown, nor shall it affect any proceeding which at any time may be lawfully had under or by virtue of any commission of bankrupt.

nor to Scotland.

VIII. Provided also, That this act, or any thing herein contained, shall not extend to that part of *Great Britain* called *Scotland*.

Continuance of this act.

IX. Provided also, That this act shall continue and be in force for five years, and from thence to the end of the then next session of parliament, and no longer.

CAP. XLV.

An act to continue and amend an act, made in the twenty-fifth year of the reign of his present Majesty, for the encouragement of the pilchard fishery, by allowing a farther bounty upon pilchards taken, cured, and exported.

Preamble.

25 Geo. 3. c. 58.

WHEREAS *by an act of parliament, made in the twenty-fifth year of the reign of his present Majesty, intituled*, An act for the encouragement of the pilchard fishery, by allowing a farther bounty upon pilchards, taken, cured, and exported; *it is enacted, That for every cask or vessel of pilchards, containing fifty gallons, and so in proportion for a greater or lesser quantity thereof, which should be exported from any port or place in* Great Britain *into parts beyond the seas, between the twenty-fifth day of* June, *one thousand seven hundred and eighty-five, and the twenty-fifth day of* June, *one thousand seven hundred and eighty-six, upon which the person or persons exporting the same should be intitled to a certain bounty of seven shillings, by virtue of or under the two several acts therein mentioned, the one made in the fifth year of the reign of the late King* George *the First, intituled*, An act for recovering the credit of the *British* fishery in foreign parts; and better securing the duties upon salt; *and the other, made in the third year of his late majesty King* George *the Second, intituled*, An act for taking off certain duties on salt, and for making good any deficiencies in the funds that may happen thereby; and for charging the reduced annuity, payable

5 Geo. 1. c. 18.

3 Geo. 2. c. 20.

payable to the *East India* company, on the aggregate fund; and for relief of *Matthew Lyon*, executor of *Matthew Page* deceased, in respect of the duty for salt lost by the overflowing of the river *Mersey* in the year one thousand seven hundred and twenty-four; *an additional bounty of two shillings should be paid and payable to such person and persons, so intitled to the said bounty of seven shillings, at such times, in such manner, by such person and persons, and out of such monies, as the said bounty of seven shillings was by the said two several acts, or either of them, directed to be paid: and whereas the said fishery is of great importance to the nation, by promoting useful industry, providing for great numbers of poor people, and serving as a nursery for able seamen; and inasmuch as the same cannot be carried on without a continuance of the said additional bounty of two shillings:* may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said recited act of the twenty-fifth year of the reign of his present Majesty, and every power, provision, clause, matter, and thing therein contained (except as herein-after is mentioned), shall, from and after the twenty-fourth day of *June*, one thousand seven hundred and eighty-six, be, and the same are hereby continued for and during the term of five years, and shall, during such term, be in full force, and be put in execution, as fully and effectually, to all intents and purposes, as if the same were repeated and re-enacted in the body of this present act.

Act 25 Geo. 3. continued for five years from June 24, 1786.

II. Provided always, and be it enacted, That in case the quantity of pilchards, which shall be exported from any port or place, ports or places, in *Great Britain*, to parts beyond the seas, upon which the said bounty of seven shillings shall become payable, do or shall, in any one year of the said term of five years, herein-before granted or limited for the continuance of the said recited act of the twenty-fifth year of the reign of his present Majesty, exceed the quantity of twenty thousand hogsheads, the said additional bounty of two shillings shall not be payable or paid for or in respect of any pilchards so exported as aforesaid, beyond or exceeding the said quantity of twenty thousand hogsheads; any thing in the said recited act of the twenty-fifth year of the reign of his present Majesty, or in this present act, or in any other act or acts, contained to the contrary notwithstanding.

Additional bounty of 2s. for every 50 gallons of pilchards exported, not to be paid for a larger quantity than 20,000 hogsheads in one year.

III. Provided also, and be it enacted, That if a greater quantity than twenty thousand hogsheads of pilchards shall be taken, cured, and exported, in each or any one year of the said term of five years, then, in each and every such year, the said additional bounty of two shillings upon the quantity of twenty thousand hogsheads shall become payable, and shall be paid to each and every person and persons respectively intitled to the said additional bounty, in proportion to the whole quantity of pilchards so taken, cured, and exported.

But the said bounty on 20,000 hogsheads, where a larger quantity has been exported, shall be divided proportionally among the vessels.

Expences of this act to be borne by the persons entitled to the bounty.

IV. And be it further enacted, That the costs and charges incident to, and attending the obtaining and passing of this act, shall be borne, paid, and defrayed by the several persons to whom the said additional bounty of two shillings shall be payable and paid, rateably and in proportion according to the sum or sums of money so by them respectively received, but not exceeding two shillings on each cask or vessel of pilchards containing fifty gallons; any law, statute, usage, or custom to the contrary notwithstanding.

Publick act.

V. And be it further enacted, That this act shall be deemed a publick act; and shall be taken notice of as such, by all judges, justices, and all other persons whatsoever, without special pleading the same.

CAP. XLVI.

An act for augmenting and fixing the salaries of the lords of session, lords commissioners of justiciary, and barons of exchequer, in that part of Great Britain *called* Scotland.

Preamble.

WHEREAS *the stated salaries of the lords of session, lords commissioners of justiciary, and barons of exchequer, in that part of* Great Britain *called* Scotland, *are inadequate to the dignity and importance of their offices: and whereas certain additional allowances have been made to some of the judges of these courts by warrants under his Majesty's privy seal in* Scotland, *which allowances ought to be permanent: and whereas the lords of session are possessed of a fund called* The Stock of the Court, *by grants before the union of the kingdoms of* England *and* Scotland, *amounting to twenty-two thousand seven hundred pounds sterling, of capital money, the yearly interest of which they have been in use to divide among them, but which sum ought now to be restored to the publick:* may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said sum of twenty-two thousand seven hundred pounds together with the sum of one thousand one hundred and thirty-five pounds sterling, being one year's interest on the said capital, shall, on the fifth day of *April*, in the year one thousand seven hundred and eighty-seven, be paid in to the receiver general of his Majesty's land rents in *Scotland*, in order to be by him remitted to the exchequer in *England*, for the use of the publick, and the said receiver general for the time being is hereby authorised and required to take all legal steps, if necessary, for recovering the same.

Fund in the hands of the lords of session to be paid to the receiver general in Scotland on April 5, 1787, to be remitted to the exchequer in England.

Out of the revenues appointed by acts 7 and 10 Annæ, for supporting the court of sessions, etc.

II. And be it enacted by the authority aforesaid, That in time coming there shall be issued, paid, and applied, in every year, out of the monies that shall arise from any the duties and revenues in that part of *Great Britain* called *Scotland*, which by acts made in the seventh and tenth years of the reign of Queen *Anne*, were charged or made chargeable with the payment of the

the fees, salaries, and other charges, allowed or to be allowed by her Majesty, her heirs and successors, for keeping up the courts of session, justiciary, and exchequer, in *Scotland*, the several salaries following, to the judges after mentioned; (that is to say), The sum of two thousand pounds sterling to the lord president of the court of session for the time being; the sum of one thousand pounds sterling to each of the other lords of session for the time being; the sum of two thousand pounds sterling to the lord chief baron of the court of exchequer in *Scotland* for the time being; the sum of one thousand pounds sterling to each of the other barons of the said court of exchequer for the time being; the sum of six hundred pounds sterling to the lord justice clerk for the time being; and the sum of three hundred pounds sterling to each of the other lords commissioners of justiciary for the time being. there shall be paid to the judges the salaries herein specified.

III. And be it enacted, That the first quarter's payment of the said respective sums shall be made on the fifth day of *July*, in the year one thousand seven hundred and eighty-six, and thereafter the same shall continue to be paid quarterly in every year, in such manner as the fees, salaries, and other charges of keeping up the said courts in *Scotland*, have accustomarily been paid since the union of the two kingdoms; and the sums hereby granted shall be in place of the different salaries and allowances, which the judges of the said courts do at present, or have been in use to enjoy, whether by stated salary, additions by privy seal, or interest of the aforesaid money, excepting always any additional yearly sum, which is or may be granted by his Majesty, by warrant under the privy seal in *Scotland*, to one of the puisne barons of the said court of exchequer, when appointed to that office from the bar of *England*; and excepting also the sums issued in every year for defraying the expences of the justiciary judges at their circuits. The first payment to be on July 5, 1786.

IV. And be it further enacted by the authority aforesaid, That this act shall and may be deemed and taken to be a publick act. Publick act.

CAP. XLVII.

An act for discharging the payment of sentence money, and other fees of court, to the judge of the court of admiralty in that part of Great Britain *called* Scotland, *and the payment of sentence money to the judges of the commissary court in* Edinburgh; *for granting salaries to the judges of the said courts in lieu thereof; and for regulating the nomination of the said judges.*

WHEREAS *the judge of the court of admiralty, which was stipulated by the articles of union to be continued in that part of* Great Britain *called* Scotland, *has never had any stated salary or allowance from the publick, but has been in the use of receiving sentence money, and other casual fees, upon proceedings in the said court, which practice ought to be abolished: and whereas the judges of the commissary court in* Edinburgh *have likewise been in the use of receiving* Preamble.

ceiving ſentence money, and are otherwiſe inſufficiently provided: may it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, from and after the fifth day of *July*, in the year one thouſand ſeven hundred and eighty-ſix, it ſhall not be lawful for the preſent judge of the ſaid court of admiralty, or his ſucceſſors in that office, directly or indirectly, to aſk or take from any ſuitor or ſuitors in the ſaid court, or any other perſon or perſons, any fee or perquiſite, for acting or doing buſineſs as a judge of the ſaid court of admiralty, in name of ſentence money; poundage, droits of admiralty, or upon any pretence whatever; and in lieu of all fees and perquiſites heretofore in uſe to be paid to or exacted by or for the judge of the ſaid court, the preſent judge, and his ſucceſſors in office, ſhall be intitled to and receive a yearly ſalary, amounting to the ſum of four hundred pounds ſterling, payable in the ſame form, and upon the ſame eſtabliſhment, as the ſalaries of the judges of the courts of ſeſſion, juſticiary, and exchequer are paid in that part of *Great Britain* called *Scotland*; the firſt quarter's payment of the ſaid ſalary to be made on the fifth day of *July*, in the year one thouſand ſeven hundred and eighty-ſix.

From July 5, 1786, the judge of the admiralty in Scotland ſhall receive 400l. annually, in lieu of all perquiſites:

II. And be it enacted by the authority aforeſaid, That from and after the fifth day of *July*, in the year one thouſand ſeven hundred and eighty-ſix it ſhall not be lawful for the judges of the commiſſary court in *Edinburgh*, or their ſucceſſors in office, directly or indirectly, to aſk or take, from any ſuitor or ſuitors in the ſaid court, or from any other perſon or perſons, any fee or perquiſite for acting or doing buſineſs as judges of the ſaid commiſſary court, in name of ſentence money, upon the decrees pronounced by them; and in lieu of ſuch ſentence money heretofore in uſe, as well as for the better proviſion of the ſaid commiſſaries, they and their ſucceſſors in office ſhall be intitled to and receive the ſum of one hundred pounds ſterling *per annum* each of ſalary, payable in the ſame form, and upon the ſame eſtabliſhment, as the ſalaries of the judges of the courts of ſeſſion, juſticiary, and exchequer, are paid in that part of *Great Britain* called *Scotland*; the firſt quarter's payment of the ſaid ſalary to be made on the fifth day of *July*, in the year one thouſand ſeven hundred and eighty-ſix.

and the judges of the commiſſary court 100l. annually each, in lieu of ſentence money:

III. Provided always, and be it enacted and declared by the authority aforeſaid, That the allowances to the ſaid commiſſaries out of the biſhops rents ſhall continue as before; and that nothing herein contained ſhall be conſtrued either to enlarge or diminiſh their cuſtomary dues on the confirmation of teſtaments, or other articles, except that of ſentence money, as aforeſaid.

But other uſual perquiſites may be received.

IV. And be it further enacted and declared, That nothing herein contained ſhall be conſtrued either to enlarge or diminiſh the cuſtomary and lawful dues or perquiſites of the clerks and fiſcals

fiscals of any of the said courts, but that the said clerks and fiscals shall still continue to receive what they are by law or custom entitled to in name of sentence money, or otherwise: and, for the better ascertaining the extent thereof, in those cases where the judges and the clerks and fiscals have heretofore been in use to receive joint fees or perquisites, and where the judges are not in future to receive them, the said judge and judges of the two courts aforesaid respectively are hereby empowered and required, on or before the first day of *November*, in the year one thousand seven hundred and eighty-six, to establish regulations for the payment of the clerks and fiscals dues in their several courts, according to the just amount of the proportions or sums which the said clerks and fiscals have been in use to receive in time past in the cases aforesaid, and which regulations shall be entered in their books of sederunt; and it shall be lawful and competent to any party concerned to complain to the court of session against such determination, at any time within six months thereafter; whose judgement given upon the same, or that of the said judges not complained of, shall continue to be the rule for levying the said dues in time coming.

Regulations to be established for payment to the clerks and fiscals their accustomed dues.

V. And be it enacted, That in time coming, no person shall be appointed to the office of judge of the said court of admiralty, or to the office of any of the said commissaries, unless he has, during three years immediately preceding his appointment, attended the court of session regularly and *bona fide* as a practitioner in the time of session; and if any appointment shall happen to be made contrary to the true intent and meaning hereof, the same shall be null and void.

No person to be appointed judge or commissary who has not practised in the court of session three years.

CAP. XLVIII.

An act for granting to his Majesty certain duties on stamped vellum, parchment, and paper, within that part of Great Britain *called* Scotland, *to replace to the revenue the sums granted out of the same, in this session of parliament, towards the augmentation of the salaries of the judges of the courts of session, justiciary, exchequer, and admiralty court in* Scotland, *and commissary court of* Edinburgh.

Most gracious Sovereign,

Preamble.

WE, your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, being desirous to replace to your Majesty's revenue, arising in that part of *Great Britain* called *Scotland*, by the most easy means, the sums granted out of the same in this present session of parliament, towards the augmentation of the salaries of the judges of the courts of session, justiciary, exchequer, and admiralty court in *Scotland*, and commissary court of *Edinburgh*, do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal,

and

and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-six, there shall be raised, levied, collected, and paid, throughout that part of *Great Britain* called *Scotland*, unto and for the use of his Majesty, his heirs and successors, the several and respective rates and duties following; that is to say,

From July 5, 1786, the following stamp-duties shall be paid on vellum, &c.

That for and upon every skin, or piece of vellum or parchment, or sheet or piece of paper, upon which shall be engrossed, printed, or written, any deposition or depositions of a witness or witnesses taken in any cause or suit before the court of session, or commission of teinds, or court of admiralty in *Scotland*, or commissary court of *Edinburgh*, or in any civil cause before any inferior court in *Scotland*, or whereupon any affidavit, or written deposition produced in the court of exchequer in *Scotland*, shall be engrossed, printed, or written, there shall be charged a stamp-duty of one shilling sterling:

For every skin of depositions before the court of session, or affidavit in the exchequer, 1s.

That for and upon every skin, or piece of vellum or parchment, or sheet or piece of paper, upon which shall be engrossed, written, or printed, any extract or attested copy of or from any deed, instrument, or writing, (except protests upon bills or promissory notes under forty shillings sterling,) given out from any publick register, or from the books or record of any court in *Scotland*, there shall be charged a stamp-duty of one shilling sterling.

For every extract from any publick register, 1s. per skin.

II. Provided always, and be it hereby further enacted, That nothing in this act contained shall extend, or be construed to extend, to charge with the said rates and duties any deposition or depositions taken in any cause or suit, before any of the said courts in *Scotland*, which is insisted in at the instance of the publick prosecutor, for the publick interest, or where the publick revenue is concerned; or any deposition or depositions taken in any civil cause, before any inferior court aforesaid, where the sum or subject concluded for is under the value of five pounds sterling, exclusive of costs; or any such deposition or depositions, taken in any of the courts aforesaid, by or at the instance of any person or persons on the poor's roll of such court, and who is, are, or shall be admitted to sue or defend *in forma pauperis*; or any extracts of the decrees of courts, other than such formal decrees of registration as are usually annexed to the extracts of writings.

Not to extend to matters where the publick interest is concerned, nor to civil causes under the value of 5l. &c.

III. And be it further enacted by the authority aforesaid, That, for the better and more effectual levying and collecting the said duties herein-before granted, the same shall be under the government, care, and management of the commissioners for the time being appointed to manage the duties charged on stamped vellum, parchment, and paper, who, or the major part of them, are hereby required and empowered to employ such officers under them for that purpose, and

Duties to be under the management of the commissioners for stamps.

and to allow ſuch ſalaries and incidental charges as may be neceſſary, and to provide and uſe ſuch ſtamps to denote the ſaid ſeveral duties as ſhall be requiſite in that behalf, and to do all other things neceſſary to be done for putting this act in execution, with relation to the ſaid rates and duties herein-before granted, in the like and in as full and ample manner as they, or the major part of them, are or is authoriſed to put in execution any former law concerning ſtamped vellum, parchment, and paper.

Vellum, etc. to be ſtampt before written on.

IV. And be it further enacted by the authority aforeſaid, That all vellum, parchment, and paper, liable to the duties by this act impoſed, ſhall, before the ſame ſhall be engroſſed, printed, or written upon, be brought to the head office for ſtamping or marking vellum, parchment, or paper; and the ſaid commiſſioners, by themſelves or by their officers employed under them, ſhall forthwith, upon demand to them made by any perſon or perſons, from time to time, ſtamp or mark, as by this act is directed, any quantities, or parcels of vellum, parchment, or paper, as ſhall be brought to them for that purpoſe, the perſon ſo bringing the ſame paying to the receiver general of the ſtamp duties for the time being, or his deputy or clerk, the ſeveral duties payable for the ſame by virtue of this act; and in default of ſufficient quantities of vellum, parchment, and paper being brought to the head office to be ſtamped as aforeſaid, the ſaid commiſſioners are hereby required to take eſpecial care that the ſeveral parts of that part of *Great Britain* called *Scotland* ſhall, from time to time, be ſufficiently furniſhed with vellum, parchment, and paper, ſtamped and marked as aforeſaid, ſo as the ſubjects of his Majeſty, his heirs and ſucceſſors, may have it in their election to buy the ſame of the officers or perſons to be employed by the ſaid commiſſioners, at the uſual or moſt common rates above the ſaid duty, or to bring their own vellum, parchment, or paper, to be ſtamped at the head office of ſtamps as aforeſaid.

Commiſſioners to furniſh ſtampt vellum, &c. to be ready for ſuch as may call for it.

Uſual allowance to be made on prompt payment.

V. And be it further enacted by the authority aforeſaid, That the ſame allowance ſhall be made on preſent payment of the ſeveral duties granted by this act, in ſuch manner as by any former law relating to ſtamped vellum, parchment, or paper, is directed and allowed.

Perſons uſing unſtamped vellum, &c. or ſtamps of too low a value, forfeit 10l.

VI. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall engroſs, print, or write, or cauſe to be engroſſed, printed, or written, upon any vellum, parchment, or paper, any of the matters or things for which the ſaid vellum, parchment, or paper, ought to have a mark or ſtamp as aforeſaid, before ſuch time as the ſaid vellum, parchment, or paper, ſhall be marked or ſtamped as aforeſaid, or ſhall engroſs, print, or write, or cauſe to be engroſſed, printed, or written, any ſuch matter or thing, upon any vellum, parchment, or paper, that ſhall be marked or ſtamped, for any lower duty than the duty by this act payable for what ſhall be ſo engroſſed, printed, or written, every ſuch perſon ſo offending ſhall, for

and, if in a publick office, forfeit their employment.

every such offence, forfeit and pay the sum of ten pounds sterling, to be recovered and applied as herein-after is directed; and in case any extractor, clerk, officer or person, who, in respect of any publick office or employment, is or shall be entitled or entrusted to make, engross, print, or write any deposition, extract, or other writing by this act charged to pay a duty as aforesaid, shall be guilty of any fraud or practice to deceive his Majesty, his heirs or successors, of any duty by this act payable, by making, engrossing, printing, or writing, any such deposition, extract, or other writing, or causing the same to be made, engrossed, printed, or written, upon vellum, parchment, or paper, marked or stamped with any mark, or stamp, knowing the same to be counterfeited, or by engrossing, printing, or writing the same upon vellum, parchment, or paper, that shall be marked or stamped for a lower duty as aforesaid, then every such extractor, clerk, officer, or person, so guilty of any such fraud or practice, and being thereof lawfully convicted, shall (over and above the penalty aforesaid) forfeit his office, place, or employment respectively, and be disabled to hold or enjoy the same for the future; and if any attorney, conveyancer, agent, writer to the signet, writer, solicitor, or procurator, belonging to any of the courts aforesaid, shall be guilty of any such fraud or practice as aforesaid, and be convicted thereof, he shall (over and above the penalty aforesaid) be disabled for the future to practise as an attorney, conveyancer, agent, writer to the signet, writer, solicitor, or procurator, respectively; and if any deposition, extract, or other writing, by this act charged with the payment of a duty as aforesaid, shall, contrary to the true intent and meaning thereof, be engrossed, printed, or written, by any person or persons whatsoever, upon vellum, parchment, or paper, not marked or stamped according to this act, or upon vellum, parchment, or paper, marked or stamped for a lower duty as aforesaid, that then, and in every such case, there shall be due, answered, and paid, to his Majesty, his heirs and successors, over and above the duty aforesaid, for every such deposition, extract, or other writing, the sum of ten pounds sterling, and no such deposition, extract, or other writing, shall be pleaded or given in evidence in any court in *Great Britain*, or admitted in any court in *Great Britain* to be good, useful, or available in law or equity, until as well the said duty, as the said sum of ten pounds sterling, shall be first paid to the use of his Majesty, his heirs or successors, and a receipt produced for the same, under the hand or hands of some of the officers who shall be appointed to receive the duties above mentioned, and until the vellum, parchment, or paper, on which such deposition, extract, or other writing, shall be engrossed, printed, or written, shall be marked or stamped with a lawful mark or stamp, according to this act; and the proper officer and officers are hereby enjoined and required, upon payment or tender of the said duty, and the sum of ten pounds sterling, unto him or them, to give a receipt for the

Attornies, &c. committing such frauds to be disabled from practising.

Penalty of 10l. on every deposition, etc. so illegally made out, which is invalid till the duty and penalty be paid.

the same, and to mark or stamp the said vellum, parchment, or paper, with the proper mark or stamp accordingly.

Commissioners may appoint inspectors of the papers used in courts, and the judges are to assist in securing the duties.

VII. And be it further enacted by the authority aforesaid, That the commissioners for the said duties on vellum, parchment, or paper, from time to time, shall and may appoint a fit person to attend in any court or office, to take notice of the vellum, parchment, or paper, upon which any the matters or things aforesaid shall be engrossed, printed, or written, and of the marks or stamps thereon, and of all other matters and things tending to secure the said duties; and that the judges in the several courts aforesaid, and such others to whom it may appertain, at the request of such commissioners, or of any two or more of them, shall make such orders in the respective courts, and do such other matters and things for the better securing of the said duties under their charge, as shall be lawfully and reasonably desired in that behalf.

Commissioners, etc. to follow the directions of the treasury, and not to take any fees.

VIII. And be it further enacted by the authority aforesaid, That the said commissioners, and all other officers who shall be employed in the collection or management of the said several rates and duties herein-before granted, shall, in the execution of their offices, observe and perform such rules and orders as they respectively shall from time to time receive from the high treasurer, or the commissioners of the treasury, or any three or more of them for the time being, and that no fee or reward shall be taken or demanded by any such commissioners or officers from any of his Majesty's subjects, for any matter or thing to be done in pursuance of this act; and in case any officer employed in the execution of this act, in relation to the said rates and duties, shall refuse or neglect to do or perform any matter or thing by this act required or directed to be done or performed by him, whereby any of his Majesty's subjects shall or may sustain any damage whatsoever, such officer so offending shall be liable to any action, to be founded on this statute, to answer to the party grieved all such damages, with treble costs of suit.

Persons neglecting their duty, to be liable to prosecution.

Persons counterfeiting or using forged stamps, guilty of felony.

IX. And be it further enacted by the authority aforesaid, That if any person or persons shall counterfeit or forge, or procure to be counterfeited or forged, any seal, stamp, or mark, directed or allowed to be used or provided, made or used in pursuance of this act, for the purpose of denoting the duties by this act granted, or shall counterfeit or resemble, or cause to be counterfeited or resembled, the impression of the same upon any vellum, parchment, or paper, with an intent to defraud his Majesty, his heirs or successors, of any of the said duties, or shall utter, vend, or sell, any vellum, parchment, or paper, with a counterfeit mark or stamp thereupon, knowing such mark or stamp to be counterfeited; or if any person shall privately and fraudulently use any seal, stamp, or mark, directed or allowed to be used by this act, with intent to defraud his Majesty, his heirs or successors, of any of the said duties, then every such person so offending, and being thereof convicted, shall be adjudged

judged a felon, and shall suffer death as in cases of felony, without benefit of clergy.

Provisions of former acts to extend to this.

X. And be it further enacted by the authority aforesaid, That all powers, provisions, articles, clauses and all other matters and things prescribed or appointed by any former act or acts of parliament relating to the stamp-duties on vellum, parchment, and paper, (not hereby altered or repealed), shall be of full force and effect with relation to the rates and duties hereby imposed, and shall be applied and put in execution for raising, levying, collecting, and securing the said new rates and duties hereby imposed, according to the true intent and meaning of this act, as fully, to all intents and purposes, as if the same had severally and respectively been hereby enacted with relation to the said new rates and duties hereby imposed.

Duties to be paid to the receiver general, and by him into the exchequer, where a separate account is to be kept, and the money carried to the sinking fund.

XI. And be it further enacted by the authority aforesaid, That the duties herein-before granted shall be paid from time to time into the hands of the receiver general for the time being of the duties on stamped vellum, parchment, and paper, who shall keep a separate and distinct account thereof, and pay the same (the necessary charges of raising, paying, and accounting for the same, being deducted) into the receipt of the exchequer, at such time, and in such manner, as the duties now charged on stamped vellum, parchment, and paper, are directed to be paid; and in the office of the auditor of the said receipt there shall be provided and kept a book or books, in which all the monies arising from the said duties, and paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies paid or payable to his Majesty, his heirs or successors, upon any account whatsoever; and the said money, so to be paid into the said receipt of exchequer as aforesaid, shall be carried to and made a part of the fund commonly called *The Sinking Fund*.

From Jan. 1, 1788, an annual account to be laid before the commons of the sums paid for augmentation of judges salaries, and of the produce of the duties.

XII. *And, to the end the several sums granted out of the revenue arising within that part of* Great Britain *called* Scotland, *towards the augmentation of the salaries of the said judges, may be duly replaced, in case the said duties hereby granted shall be deficient for that purpose, by such other ways and means as shall be thought expedient by parliament when such deficiency shall appear*; be it further enacted by the authority aforesaid, That, from and after the first day of *January*, in the year one thousand seven hundred and eighty-eight, the auditor of the said receipt of his Majesty's exchequer shall annually, within twenty days after the first day of *January* in every year, cause to be made out an account in writing of all such sums of money as shall be paid out of the said revenue to the said judges for the augmentation of their salaries, in pursuance of any act or acts of this present session of parliament, for the year ending the fifth day of *July* then preceding; and also the produce of the duties hereby granted and paid into the said receipt, in the same year, ending as aforesaid; and shall cause such account to be laid before the commons in parliament, at their

their then ſeſſion (if then actually ſitting), or if the parliament ſhall not be then ſitting, in ſuch caſe, at their firſt or next ſeſſion, to the end a ſufficient further proviſion may be made for the replacing to the ſaid revenue the ſeveral ſums ſo granted as aforeſaid in augmentation of the ſalaries of the ſaid judges, by ſuch ways and means as ſhall ſeem expedient, in caſe any deficiency ſhall appear of the duties by this act granted for that purpoſe.

XIII. *And whereas by the laws now in force concerning the regulation of the judicatories in that part of* Great Britain *called* Scotland, *certain rates of fees and charges, due and payable to conveyancers, and others who uſe to write for payment, are eſtabliſhed, whereby, and by the regulations and practice of the courts aforeſaid conſequent thereupon, each page of writing is underſtood to conſiſt of thirty-ſix lines, and each line of nine words, which hath been held a fair and reaſonable quantity to be engroſſed or written thereon, according to the rates of the fees and charges allowed and payable for the ſame: now, in order to prevent his Majeſty, his heirs and ſucceſſors, from being defrauded of any of the duties by this act granted, and in order that all matters and things by this act charged, may be engroſſed and written in ſuch manner as they have been uſually accuſtomed, and by law ought to be engroſſed and written*; be it therefore further enacted by the authority aforeſaid, That, from and after the fifth day of *July*, in the year one thouſand ſeven hundred and eighty-ſix, no ſkin or piece of vellum or parchment, or ſheet or piece of paper, whereon any matter or thing for which a duty or duties is or are payable by this act, is engroſſed, written, or printed, within that part of *Great Britain* called *Scotland*, ſhall be divided into, or ſhall include more than four pages, whereof each page ſhall and may contain thirty-ſix lines, and each line nine words, and no more; and every ſuch matter and thing ſhall be engroſſed and written conformable to the ſaid regulations, and according to the courſe and practice of the reſpective courts aforeſaid; and that if any attorney, conveyancer, agent, writer to the ſignet, writer, extractor, ſolicitor, procurator, clerk, or other perſon uſed to write for payment, within that part of *Great Britain* called *Scotland*, ſhall engroſs, print, or write, or cauſe to be engroſſed, printed, or written, upon any ſkin or piece of vellum or parchment, or ſheet or piece of paper, chargeable with any ſtamp-duty by this act, any more or greater number of words than according to the rate and quantity above-mentioned, or in any other manner, ſo as to inſert in any one ſuch ſkin or piece of vellum or parchment, or ſheet or piece of paper, above one thouſand two hundred and thirty-ſix words, every ſuch perſon ſo offending ſhall, for every ſuch offence, forfeit and pay the ſum of ten pounds ſterling, to be recovered and applied as herein-after is directed, and ſhall be, and is hereby made incapable to maintain or proſecute any action or ſuit in any court of law or equity, for the recovery of any fee, reward, or diſburſement, on account of the engroſſing, writing or making any ſuch depoſition, extract, or other writing aforeſaid.

Not more than a certain number of words to be inſerted in one ſkin on penalty of 10l.

XIV. And

How penalties are to be appropriated.

XIV. And be it further enacted by the authority aforeſaid, That all pecuniary penalties hereby impoſed ſhall be divided and diſtributed (if ſued for within the ſpace of ſix calendar months from the time of ſuch penalty being incurred), in manner following; that is to ſay, One moiety thereof to his Majeſty, his heirs and ſucceſſors, in the manner herein-after mentioned, and the other moiety thereof to the perſon or perſons who ſhall inform or ſue for the ſame.

Mode of recovery of penalties.

XV. And be it further enacted by the authority aforeſaid, That all ſuch pecuniary penalties ſhall and may be ſued and recovered, with full coſts of ſuit, in his Majeſty's court of ſeſſion, court of juſticiary, or court of exchequer in *Scotland*, by action of debt, bill, plaint, or information, wherein no eſſoin, protection, privilege, wager of law, or more than one imparlance, ſhall be allowed.

No perſon to be entitled to part of penalty, who does not proſecute in due time.

XVI. Provided always, and be it further enacted by the authority aforeſaid, That ſuch diviſion or diſtribution of the penalties aforeſaid, ſhall be, and is hereby confined and reſtricted to the proſecuting for the ſame, within the time herein-before for that purpoſe limited, and that in default of ſuch proſecution within the time aforeſaid, no informer or informers ſhall have, or be intitled to, any part or ſhare of ſuch penalties, but that the whole thereof ſhall belong to his Majeſty, his heirs and ſucceſſors, and ſhall be recoverable in manner aforeſaid; any thing herein contained to the contrary notwithſtanding.

His Majeſty's ſhare to be paid into the exchequer on Auguſt 1, annually, and to be applied like other penalties.

XVII. And be it further enacted by the authority aforeſaid, That, from and after the ſaid fifth day of *July*, in the year one thouſand ſeven hundred and eighty ſix, all ſuch penalties or forfeitures, and ſhares of penalties or forfeitures, as ſhall be due or payable to his Majeſty, his heirs or ſucceſſors, by virtue of this act, ſhall, from time to time, be paid into the hands of the receiver general (or ſome perſon to be authoriſed by the ſaid commiſſioners, or the major part of them for the time being) who ſhall keep a ſeparate and diſtinct account thereof, and pay the ſame (the neceſſary charges of paying and accounting for the ſame being deducted) into the receipt of the exchequer, on the firſt day of *Auguſt* in every year, unleſs the ſame ſhall be a *Sunday* or holiday, and then on the firſt day following which ſhall not be a holiday; and in the office of the auditor of the ſaid receipt there ſhall be provided and kept a book or books, in which all the monies ariſing from the ſaid penalties or forfeitures, or ſhares of penalties or forfeitures, paid into the ſaid exchequer, ſhall be entered in ſuch manner as other penalties or forfeitures, and ſhares of penalties or forfeitures, for offences touching any the duties on ſtamped vellum, parchment and paper, are or ſhall, or may be directed by any act or acts of parliament of this preſent ſeſſion to be entered; and the ſaid monies ſo to be paid into the ſaid receipt of the exchequer as aforeſaid, ſhall be iſſued and applied to the uſe of his Majeſty, his heirs and ſucceſſors, in ſuch manner, and to ſuch purpoſes, as other penalties or forfeitures, due or payable to his Majeſty, have heretofore

heretofore been used to be, or ought to have been paid or applied, and to no other use or purpose whatsoever.

Justices to determine in pecuniary matters of penalties.

XVIII. Provided always, and it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for any justice of the peace residing near the place where the offence shall be committed, to hear and determine any offence against this act, which subjects the offender to any pecuniary penalty, which said justice of the peace is hereby authorised and required, upon any information exhibited, or complaint made in that behalf, at any time within six calendar months after such offence committed against this act, to summon the party accused, and also the witnesses on either side, and shall examine into the matter of fact, and upon due proof made thereof, either by the voluntary confession of the party, or by the oath of one or more credible witness or witnesses, (which oath he is hereby impowered to administer), to give judgement or sentence for the penalty or forfeiture, according as in and by this act is directed, (all which penalties and forfeitures so adjudged shall be divided and distributed, one moiety thereof to the informer and informers who shall prosecute for the same, and the other moiety thereof, the necessary charges for the recovery thereof being first deducted, shall be paid to the use of his Majesty, his heirs and successors, in the manner herein-before directed), and to award and issue out his warrant under his hand and seal, for the levying any such pecuniary penalties and forfeitures so adjudged on the goods of the offender, and to cause sale to be made thereof, in case they shall not be redeemed within six days, rendering to the party the overplus, if any); and where goods of the offender cannot be found sufficient to answer the penalty, to commit the said offender to the house of correction, there to remain for the space of three calendar months, unless such pecuniary penalty shall be sooner paid and satisfied; and if any person or persons shall find himself, herself, or themselves aggrieved by the judgement of any such justice, then he, she, or they, shall and may, upon giving security to the amount of the value of such penalty and forfeiture, together with such costs as shall be awarded in case such judgement shall be affirmed, appeal to the justices of the peace at the next general quarter sessions for the county, shire, stewartry, or place, wherein the offence was committed, who are hereby impowered to summon and examine witnesses upon oath, and finally to hear and determine the same; and in case the judgement shall be affirmed, it shall and may be lawful for such justices to award the person or persons to pay such costs occasioned by such appeal as to them shall seem meet.

Appeal may be made to the quarter sessions.

Witnesses neglecting to attend, forfeit 10l.

XIX. And be it further enacted by the authority aforesaid, That if any person or persons shall be summoned as a witness or witnesses to give evidence before such justice or justices of the peace, touching any of the matters relative to this act, either on the part of the prosecutor or of the person or persons accused, and shall neglect or refuse to appear at the time and place to be for that purpose appointed, without reasonable excuse for such his,

his, her, or their neglect or refusal, to be allowed of by such justice or justices of the peace before whom the prosecution shall be depending, that then every such person shall forfeit, for every such offence, the sum of ten pounds sterling, to be levied and paid in such manner, and by such means, as is herein-before directed as to other penalties.

Justices may mitigate penalties.

XX. Provided always, That it shall and may be lawful to and for the said justice, where he shall see cause, to mitigate and lessen any such penalties as he shall think fit, reasonable costs of the officers and informers, as well in making the discovery as in prosecuting the same, being always allowed over and above such mitigation, and so as such mitigation do not reduce the penalties to less than one moiety of the penalties incurred, over and above the said costs and charges; any thing in this act contained to the contrary notwithstanding: and no such conviction shall be removed by *Certiorari* into any court whatsoever.

General issue.

XXI. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time or times be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any clause, matter, or thing, therein contained, such person or persons shall and may plead the general issue, and give the special matter in evidence, for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

Treble costs.

CAP. XLIX.

An act for granting to his Majesty certain stamp duties on perfumery, hair powder, and other articles therein mentioned; and on licences to be taken out by persons uttering or vending the same.

Most gracious Sovereign,

Preamble.

WE your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, having taken into our most serious consideration your Majesty's most gracious speech to both houses of parliament, recommending the establishment of a fixed plan for the reduction of the national debt; and your faithful commons being desirous of obtaining that desirable object by the most easy and effectual means, have, towards that purpose, resolved to give and grant unto your Majesty the several new rates and duties upon the several wares and other articles herein-after mentioned: and to that end and purpose do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-six, there shall

From July 5, 1786, the following duties

shall be raised, levied, collected, and paid, throughout the kingdom of *Great Britain*, unto and for the use of his Majesty, his heirs and successors, the several new rates and duties following, upon the several wares and other articles herein-after mentioned; (that is to say),

to be paid on powders, pastes, etc. viz.

That for and upon every packet, box, bottle, phial, or other inclosure, containing any powders, pastes, balls, balsams, ointments, oils, waters, washes, tinctures, essences, liquors, or other preparation or composition whatsoever, commonly called, known, or distinguished, by the name of *Sweet Scents*, *Odours*, or *Perfumes*; or by the name of *Cosmeticks*, used or to be used by any person or persons as sweet scents, odours, perfumes, or cosmeticks, which shall be uttered, vended, or exposed to sale, in *Great Britain*, mixed or unmixed with other materials or ingredients, there shall be charged a stamp-duty according to the rates herein-after expressed; and also, that for and upon every packet, box, bottle, phial, or other inclosure, containing any dentifrice, powders, tinctures, or other preparation or composition whatsoever for the teeth or gums, which shall be uttered, vended, or exposed to sale in *Great Britain*, there shall be charged a stamp-duty, according to the like rates herein-after expressed; and that for and upon every roll, cake, or piece, packet, box, pot, or other inclosure of, or containing any pomatum, ointment, or other preparation or composition for the hair, which shall be uttered, vended, or exposed to sale, in *Great Britain*, there shall be charged a stamp-duty, according to the like rates herein-after expressed; and also, that for and upon every packet, or other inclosure, containing any hair powder, which shall be uttered, vended, or exposed to sale, in *Great Britain*, the price whereof shall exceed two shillings for the pound weight, there shall be charged a stamp-duty, according to the like rates herein-after expressed; (that is say),

Where any such wares, or other articles aforesaid, shall not exceed the price or value of eight-pence, there shall be charged a stamp-duty of one penny:

For every packet, etc. of perfumes, under 8d. value, 1d.

And where any such wares, or other articles aforesaid, shall exceed the price or value of eight-pence, and not exceed the price or value of one shilling, there shall be charged a stamp-duty of one penny halfpenny:

Between 8d. and 1s. — 1d. 2q.

And where any such wares, or other articles aforesaid, shall exceed the price or value of one shilling, and shall not exceed the price or value of two shillings and sixpence, there shall be charged a stamp-duty of three-pence:

Between 1s. and 2s. 6d. — 3d.

And where any such wares, or other articles aforesaid, shall exceed the price or value of two shillings and sixpence, and shall be under the price or value of five shillings, there shall be charged a stamp-duty of sixpence:

Between 2s. 6d. and 5s. — 6d.

And where any such wares, or other articles aforesaid, shall be of the price or value of five shillings or upwards, there shall be charged a stamp-duty of one shilling:

5s. or upwards, — 1s.

Duties to be levied on every packet, etc. according to the above rates.

The said several and respective duties aforesaid to be levied and paid, upon each and every packet, box, bottle, phial, or other incloture, and upon each and every roll, cake, ball, or piece of such wares or other article or articles aforesaid, which shall be uttered, vended, or exposed to sale as aforesaid, according to the respective prices or values above rated.

For every packet of hair powder under 2s. per lb. 1d. for each pound.

And also, That for and upon every packet, or other inclosure containing any hair powder, which shall be uttered, vended, or exposed to sale in *Great Britain*, the price whereof shall not exceed two shillings for the pound weight, there shall be charged for each and every pound weight thereof, or any less quantity than a pound weight, a stamp-duty of one penny.

Not to extend to drugs, etc. liable to the duties imposed by act 25 Geo. 3. c. 79.

II. Provided always, That nothing herein-before contained shall extend, or be construed to extend, to charge any drugs, oils, waters, essences, tinctures, powders, or other preparation or composition whatsoever, used or applied, or to be used or applied, externally or internally, as medicines or medicaments for the prevention, cure, or relief of any disorder or complaint incident to, or in anywise affecting the human body, which are charged and chargeable with certain rates and duties in and by an act made in the twenty-fifth year of the reign of his present Majesty, (intituled, *An act for repealing an act, made in the twenty-third year of the reign of his present Majesty, intituled,* An act for granting to his Majesty a stamp-duty on licences to be taken out by certain persons uttering or vending medicines; and certain stamp-duties on all medicines sold under such licences, or under the authority of his Majesty's letters patent; *and for granting other duties in lieu thereof*), with the rates or duties in and by this act imposed, or with any additional rate or duty by force hereof.

not to common soap unmixed with perfumes.

III. Provided also, That nothing in this act contained shall extend, or be construed to extend, to charge with the above rates or duties any common soap imported into or made in *Great Britain*, and charged and chargeable with any rate or duty under the management of the commissioners of the customs or the commissionerrs of excise, which shall be uttered, vended, or exposed to sale in *Great Britain*, wholly unmixed with any such sweet scents, odours, or perfumes as aforesaid.

Persons vending articles hereby taxed, to pay 1s. annually for a licence.

IV. And be it further enacted by the authority aforesaid, That every person in *Great Britain* uttering, vending, or exposing to sale, any such wares, or other article or articles aforesaid, subject to the duties herein-before imposed, shall annually take out a licence for that purpose; and that for and upon every licence so taken out by any such person, there shall be charged a stamp-duty of one shilling.

Duties to be under the management of the commissioners

V. And be it further enacted by the authority aforesaid, That for the better and more effectual levying and collecting the said several duties herein-before granted, the same shall be under the government, care, and management of the commissioners

sioners for the time being appointed to manage the duties charged on stamped vellum, parchment, and paper; who, or the major part of them, are hereby required and impowered to employ such officers for that purpose, and to allow such salaries and incidental charges as may be necessary, and to provide and use such stamps to denote the said several duties as shall be requisite in that behalf, and to do all other things necessary to be done for putting this act in execution with relation to the said rates and duties herein-before granted, in the like, and in as full and ample manner as they, or the major part of them, are or is authorized to put in execution any former law concerning stamped vellum, parchment, and paper.

sioners of stamps.

VI. And be it further enacted by the authority aforesaid, That, from and after the passing of this act, any two or more of his Majesty's commissioners, appointed to manage the duties arising by stamps on vellum, parchment, and paper, or some person duly authorised by them, shall grant licences to such persons who shall apply for the same, to utter, vend, or expose to sale, in any city, town, or place within *Great Britain*, any such wares, or other article or articles as aforesaid, subject to the duties by this act imposed, and the said licences so granted shall continue in force for the space of one year, commencing from the fifth day of *July*, one thousand seven hundred and eighty-six, upon all licences to be granted on or before that day, and upon licences to be first granted to any person or persons after the said fifth day of *July*, one thousand seven hundred and eighty-six, to commence from the day of the date of every such licence; and all and every person and persons who shall take out such licence or licences for uttering, vending, or exposing to sale, any such wares, or other article or articles as aforesaid, shall take out a fresh licence or licences for another year, ten days at the least before the expiration of that year for which he, she, or they shall have been licensed, if he, she, or they shall continue to utter, vend, or expose to sale, such wares or other articles aforesaid, or any of them, and shall in like manner renew such licence from year to year, paying down the sums due for the stamps on such licences so long as he, she, or they shall continue to utter, vend, or expose to sale, such wares or other articles as aforesaid, or any of them.

Commissioners for stamps to grant licences for a year, from July 5. 1786, to be renewed annually ten days before they expire.

VII. And be it further enacted by the authority aforesaid, That, from and after the said fifth day of *July*, one thousand seven hundred and eighty-six, no person or persons whatsoever shall utter, vend, or expose to sale, any such wares, or other articles as aforesaid, which shall be subject to the rates or duties herein-before imposed, unless he, she, or they shall have first obtained a licence, and then remaining in force, in such manner as is herein-before directed, upon pain to forfeit, for every such offence, the sum of five pounds, to be recovered and applied as herein-after is directed.

Persons selling articles liable to this duty without a licence, forfeit 5l.

VIII. And be it further enacted by the authority aforesaid, That every person and persons uttering, vending or exposing to

Venders not having the

words Licensed to deal in Perfumery on the front of their houses, forfeit, 5l.

to sale, any such wares, or other article or articles as aforesaid, and licensed so to do, under and by virtue of this act, shall, within the space of twenty days after such licence shall have been granted, cause the words *Licensed to deal in Perfumery*, to be painted or written in large and legible characters, either over the door, or in some visible place in the front of his, her, or their house, shop, or warehouse, at the respective places at which he, she, or they shall utter, vend, or expose to sale, any such wares, or other article or articles as aforesaid, to denote that such person or persons is or are a dealer or dealers in perfumery, and licensed for that purpose; and if any person so licensed as aforesaid shall, after the expiration of twenty days after such licence shall have been granted, presume to utter, vend, or expose to sale, any such wares or other article or articles subject to the duties by this act imposed, without fixing or hanging out such notice as aforesaid, every such person so offending shall, for every such offence, forfeit the sum of five pounds, to be recovered and applied as herein-after is directed.

Unlicensed Persons fixing such notice on their houses, forfeit 20l.

IX. And be it further enacted by the authority aforesaid, That if any person or persons shall fix or hang out any such notice as aforesaid, or continue the same so fixed or hung out, without having a licence for that purpose then remaining in force, in such manner as is herein-before directed, every such person or persons so offending shall, for every such offence, forfeit and pay the sum of twenty pounds, to be recovered and applied as herein-after is directed.

Venders to send to the commissioners for stamped labels to paste on packets, in such manner as the commissioners shall direct.

X. *And, in order to secure the duties hereby imposed*, be it further enacted by the authority aforesaid, That every person and persons making, preparing, uttering, vending, or exposing to sale, any such wares, or other article or articles as aforesaid, which are subject to the duties hereby imposed, shall, from time to time, apply to the said commissioners of stamps, or to the officers appointed for that purpose, for paper covers, wrappers, or labels, to be pasted, stuck, fastened, or affixed to packets, boxes, pots, bottles, phials, or other inclosures, containing any such wares, or other article or articles as aforesaid, or to be pasted, stuck, fastened, or affixed to rolls, cakes, balls, or pieces of such wares, or other articles, as shall be uttered, vended, or exposed to sale, without any inclosure as aforesaid; upon which paper covers, wrappers, or labels, the said commissioners, or the major part of them, as aforesaid, are hereby directed and required to print or impress, or cause to be printed or impressed, some mark, device, or some particular word or words, to denote the said duties, and the rate thereof: and the said commissioners are hereby also required to deliver, or cause to be delivered, from time to time, to every such licensed vender or venders, as occasion shall require, sufficient covers, wrappers, or labels, for the purpose aforesaid, on payment of the respective sums due for the stamps thereon; and all and every the packets, boxes, pots, bottles, phials, and other inclosures, containing any such wares, or other article or articles as aforesaid, uttered, vended, or exposed to sale therein, by

by any person or persons whatsoever; and also all and every the rolls, cakes, balls, and pieces of such other wares, or other article or articles as aforesaid, which shall be uttered, vended, or exposed to sale as aforesaid, by any person or persons whatsoever, shall have well and sufficiently pasted, stuck, fastened, or affixed thereto, such covers, wrappers, or labels, stamped, marked, impressed, or distinguished as aforesaid, in such manner as the said commissioners shall direct: and the said commissioners shall, from time to time, devise and direct the manner in which such covers, wrappers, or labels, shall be pasted or affixed to the said wares, or other article or articles aforesaid; or to the papers, thread, or other thing inclosing, or which shall be directed by the said commissioners to inclose, the same; and to make such rules and regulations in that behalf as they shall think fit and necessary, to prevent the covers, wrappers, or labels affixed to such wares, or other article or articles aforesaid, from being made use of again, after they shall have been sold and disposed of; which rules, regulations, and directions, shall be delivered to all and every vender or venders aforesaid, at the time of his, her, or their taking out the first licence herein-before directed to be taken out by every person and persons vending or exposing to sale such wares, or other articles aforesaid, subject to the duties by this act imposed; and so, from time to time, with every future licence that shall be granted, if any variation or alteration shall have been made in such rules, regulations, or directions aforesaid.

Persons selling packets without a stamped wrapper, or with one of a wrong denomination, forfeit 5l.

XI. And be it further enacted by the authority aforesaid, That no person or persons shall, from and after the said fifth day of *July*, one thousand seven hundred and eighty-six, utter, vend, or expose to sale, or offer or keep ready for sale, or cause to be vended or exposed to sale, or offered or kept ready for sale, in any shop, house, or other place, of which notice shall have been sent as herein-after directed, any wares, or other article or articles aforesaid, subject to the duties hereby imposed, or receive any thing whatsoever by way of barter, or in exchange for any wares, or other article or articles aforesaid, subject to the said duties, unless the cover, wrapper, or label, hereby directed to be pasted, stuck, fastened, or affixed to the same, shall, previous to such sale, or exposing to sale, or offering for sale, as aforesaid, be well and sufficiently pasted, stuck, fastened, or affixed thereto, in such manner as the said commissioners shall from time to time direct, and marked or stamped as by this act is directed, or that shall have any cover, wrapper, or label, pasted, stuck, fastened, or affixed thereto, marked or stamped with a mark or stamp of less denomination or value than by this act is directed, under pain that all and every such person and persons so offending shall forfeit and pay, for every such offence, the sum of five pounds, to be recovered and applied as herein-after is directed.

Hair powder not exceeding 2s. per lb. in value, and in quantity not under 224 lb. by

XII. Provided always, and be it further enacted, That it shall and may be lawful to and for any person or persons, who is, are, or shall be a maker or makers of hair powder, having duly made a true entry at any office of excise in *Great Britain*, as required

may be sold without a stamped cover, &c. by the maker.

by the several statutes in that case made and provided, to vend and sell to any person or persons dealing in hair powder, and licensed by virtue and in pursuance of this act, and to and for such licensed person or persons to buy for sale any hair powder, the price whereof shall not exceed the rate of two shillings for the pound weight, and packed in any casks, chests, cases, bags, or other packages, each cask, chest, case, bag, or other package whereof shall contain two hundred and twenty-four pounds of such hair powder at the least, without affixing, or being required to affix, to the same, any cover, wrapper, or label, marked or stamped according to the directions of this act; any thing herein contained to the contrary thereof notwithstanding.

Persons selling such powder to keep an account thereof for the inspection of proper officers, on penalty of 20l.

XIII. And be it further enacted, That every such maker or makers of hair powder, as aforesaid, who shall vend or sell the same without stamps, under the powers and directions of this act as aforesaid, shall keep one or more book or books, wherein he, she, and they shall fairly enter in writing an exact, particular, and true account of all such hair powder which shall, from time to time, be sold by him, her, or them, without stamps, and the name and names of the respective person and persons, to whom, or to whose use, the same was so sold, and the particular days and times when the same was so sold; which book and books any officer or officers appointed by the said commissioners, or any three of them, for that purpose, shall and may, at all seasonable times, in the day-time, view and examine, and take any copy or copies of the same, or of such parts thereof as he or they shall think proper, without hindrance or molestation, under the pain and penalty that every person offending in any of the particulars above mentioned shall, for every such offence, forfeit and pay the sum of twenty pounds, to be recovered and applied as herein-after is directed.

Persons selling wares with the same label a second time, forfeit 10l.

XIV. *And, in order to prevent any such cover, wrapper, or label, as aforesaid, after the same shall have been used in the sale or disposal of any wares, or other article or articles aforesaid, subject to the said duties, from being made use of again for the like purpose, whereby his Majesty's revenue might be lessened and diminished*; be it further enacted by the authority aforesaid, That if any person or persons shall, from and after the said fifth day of *July*, one thousand seven hundred and eighty-six, fraudulently cut, tear, or take off, or cause to be cut, torn, or taken off, from any wares, or other article or articles aforesaid, subject to the said duties hereby imposed, any cover, wrapper, or label, marked or impressed with any mark or stamp in respect whereof or whereby any duty or duties by this act imposed is or are paid or payable to his Majesty, his heirs or successors, after the same shall have been sold and disposed of, or shall fraudulently paste, stick, fasten, or affix, or cause to be pasted, stuck, fastened, or affixed, to any such wares, or other article or articles as aforesaid, any such cover, wrapper, or label, so fraudulently cut, torn, or taken off as aforesaid; or shall utter, vend, or expose to sale, or cause to be uttered, vended, or exposed to sale, any such wares, or other article

article or articles as aforesaid, with such cover, wrapper, or label, which shall have been so fraudulently cut, torn, or taken off as aforesaid; all and every the person and persons so offending, in any of the particulars before-mentioned, shall, for every such offence, forfeit and pay the sum of ten pounds, to be recovered and applied as herein-after is directed.

Persons selling or buying labels to be used a second time, or buying or selling packets with such labels, forfeit 10l.

XV. *And, the better to prevent the like frauds*, be it also further enacted by the authority aforesaid, That if any person or persons shall, from and after the said fifth day of *July*, one thousand seven hundred and eighty-six, wilfully and knowingly sell or buy, or give or receive any other thing whatsoever by way of barter, or in exchange for, any such cover, wrapper, or label, marked or stamped with any mark or stamp in respect whereof any duty or duties is or are paid or payable to his Majesty, his heirs or successors, in pursuance of this act (which hath been before made use of in the sale or disposal of any such wares, or other article or articles as aforesaid, liable to the said duties), in order to be again made use of for the like purpose; or shall wilfully and knowingly sell or buy, or give or receive any thing whatsoever by way of barter, or in exchange for, any such wares, or other article or articles as aforesaid, subject to the said duties, or any such packet, box, pot, bottle, phial, or other inclosure aforesaid, with such cover, wrapper, or label, which hath been before made use of in manner aforesaid, pasted, stuck, fastened, or affixed thereto; every such person or persons so offending shall, for every such offence, forfeit and pay the sum of ten pounds, to be recovered and applied as herein-after is directed.

Five pounds per cent. discount to be allowed for prompt payment of duties.

XVI. And be it further enacted by the authority aforesaid, That the said commissioners for the time being appointed to manage the duties upon stamped vellum, parchment, and paper, or the major part of them, shall allow and pay to every person who shall be supplied with paper covers, wrappers, or labels, in pursuance of this act, after the rate of five pounds in the hundred pounds upon present payment of the said duty or duties upon the said covers, wrappers, or labels, so to them supplied.

Notice of the place of vending articles liable to duty to be sent to the commissioners of stamps, on penalty of

XVII. *And whereas the pasting on and affixing the covers, wrappers, or lables on the several wares or other article or articles, or the inclosures thereof, in the manner, and under the several rules, regulations, and directions, to be made by the said commissioners, will tend greatly to secure the said duties by this act imposed*, be it therefore enacted by the authority aforesaid, That, from and after the said fifth day of *July*, one thousand seven hundred and eighty-six, every person and persons who shall utter, vend, or expose to sale, any such wares, or other article or articles as aforesaid, liable to the duties by this act imposed, before they shall respectively obtain a licence to utter, vend, or expose to sale, the same in pursuance of this act, shall give or send notice in writing of the usual shop, house, or place, shops, houses, or places, where they respectively shall utter, vend, or expose to sale the same, or intend so to do; which notice shall be given or sent to the com-

a missioners

missioners for the time being for managing the duties on stamped vellum, parchment, and paper, or to their officers next adjacent to the place or places respectively where such wares or other article or articles are uttered, vended, or exposed to sale, or intended so to be; and the like notice shall be given or sent, by every such person or persons, as often as they respectively shall change the places where such goods and other articles are by them sold, or intended to be sold; which notice shall contain the particular shop, house, and place, and the particular room or apartment of the shop, house, or place, wherein the same are so vended or exposed to sale, or intended so to be, upon pain that every person making default in giving notice as aforesaid, shall forfeit and pay the sum of five pounds, to be recovered and applied as herein-after is directed; and all such wares, and other article and articles aforesaid, subject to the duties hereby imposed, which shall be kept ready for sale, or offered to sale, in any shop, house, or other place, whereof notice shall have been given or sent as aforesaid (except such wares, and other article or articles aforesaid, which are particularly enumerated and specified in a certain schedule to this act annexed, intituled, *Schedule Second*; and which shall be, and are hereby allowed to be kept for sale, and exposed to sale, in any such shop, house or other place aforesaid, in bulk or otherwise, without any stamped cover, wrapper, or label affixed thereto, until the time of actual sale thereof), shall be deemed and adjudged to require a cover, wrapper, or label, marked and stamped as by this act is required, to be previously affixed thereon, in manner to be directed by the said commissioners as aforesaid; and it shall and may be lawful to and for any officer or officers, being thereunto authorised by the said commissioners, to enter in the day-time into any such shop, house, or place, or any room or apartment whereof such notice shall have been given or sent as aforesaid, and there to search and examine whether the said several wares, and other article or articles aforesaid, so kept ready for sale, or offered to sale, as aforesaid, in such shop, house, or other place aforesaid, have respectively a cover, wrapper, or label duly affixed thereto, or to the inclosures containing the same, according to the directions of this act; and if such wares or other article or articles aforesaid (except as herein excepted) shall be exposed to sale, or kept ready for sale, in any such shop, house, or other place as aforesaid, without any cover, wrapper, or label affixed thereto, or with a cover, wrapper, or label of less denomination or value than by this act is directed, or with a cover, wrapper, or label affixed thereto unduly and insufficiently, and contrary to the directions of the said commissioners, it shall and may be lawful to and for such officer and officers respectively, and he and they is and are hereby required to affix, or cause to be affixed, to the said wares, or other article or articles aforesaid so exposed to sale, or kept ready for sale as aforesaid respectively, or to the respective inclosures thereof, a cover, wrapper, or label marked and stamped as aforesaid, (to be supplied by the said officer or officers, if occa-

Proper officers may search shops, &c. and where stampt covers are wanting, affix the same which must be paid for, on penalty of 5l.

sion

sion shall require), in such manner as the said commissioners shall from time to time direct; and if the owner or owners, or vender or venders thereof, or the person or persons having the care or custody thereof, shall not upon demand pay and discharge to the said officer and officers all such sums of money as shall have become due and payable by him, her, or them, in respect of the stamps upon the said covers, wrappers, or labels so supplied as aforesaid, every such person or persons shall, for every such offence, forfeit and pay the sum of five pounds, over and above the said duties, to be recovered and applied as herein-after is directed.

Persons obstructing officers in the execution of their duty, forfeit 20l.

XVIII. And be it further enacted by the authority aforesaid, That if any person or persons shall obstruct or hinder any of the said officers in the execution of the powers and authorities given to him or them by this act, for securing the said duties, every such person and persons so offending shall, for every such offence, forfeit and pay the sum of twenty pounds, to be recovered and applied as herein-after is directed.

Damaged labels may be returned for others without additional expence.

XIX. Provided always, and be it further enacted, That in case any covers, wrappers, or labels, shall be damaged, defaced, or spoiled in affixing the same upon such wares, or other articles as aforesaid, or otherwise, so as to be rendered unfit for use, it shall and may be lawful for any person or persons licensed in pursuance of this act, to bring such covers, wrappers, or labels, so marked and stamped as aforesaid, together with the wares or other articles to which the same shall have been affixed, to the commissioners for managing the stamp-duties, or to the head officer appointed by them, and on oath (or solemn affirmation, in case such licensed person shall be one of the people called *Quakers*), thereof made by such licensed person, to the satisfaction of the said commissioners or head officer so appointed (who are hereby authorised to administer such oath or solemn affirmation, and to examine into all circumstances relating to the damaging, defacing, or spoiling the same), that such covers, wrappers, or labels, so defaced or spoiled, or rendered unfit for the purpose intended, have not been used for any other purpose, or in any other manner whatsoever; and that none of them have been fraudulently rebought or returned after the same have been sold or disposed of; and that no money, or other consideration, hath been paid or given for the same, save and except the money first paid for such covers, wrappers, or labels, at the stamp-office, or other places appointed by the commissioners for the distribution thereof; then, and in such case, the said commissioners are hereby required and directed, after destroying such defaced covers, wrappers, or labels, to deliver to such licensed person other covers, wrappers, or labels, of the same denomination or value, instead of the covers, wrappers, or labels so damaged, defaced or spoiled, or rendered unfit for use as aforesaid, without demanding or taking, directly or indirectly, for the same, any sum of money or other consideration whatsoever.

XX. And be it further enacted by the authority aforesaid, That,

Persons selling articles subject to duty, in any place not specified by notice, forfeit 5l.

That, from and after the said fifth day of *July*, one thousand seven hundred and eighty-six, if any person or persons, so licensed as aforesaid, shall vend or expose to sale any wares, or other article or articles subject to the duties by this act imposed, in any other shop, house, or place, than such as are respectively contained or described in such notice so given or sent to the said commissioners, or to their officers as aforesaid, every such person or persons so offending shall forfeit and pay the sum of five pounds, to be recovered and applied as herein-after is directed.

Articles sold for exportation, not subject to duty.

XXI. *And, to encourage the exportation of all such wares, and other articles aforesaid, into foreign parts*, be it further provided and enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to the sale of any wares or other articles, by any licensed person as aforesaid, to any person in *Great Britain* for the purposes of exportation, where such wares and other articles so sold shall be, *bona fide* and without fraud, exported to foreign parts; and that, in every such case, the person or persons selling the same for exportation do, within three days after the sale thereof, give or send notice, in writing, to the said commissioners, or some person duly appointed by them at the head office of stamps, or at the office of the distributor of stamps next adjacent to the place where he, she, or they shall respectively reside, of all such wares, or other article or articles aforesaid, which shall be so sold for exportation; which notice shall contain the quantities and denominations of all such wares, or other article or articles aforesaid, and the name and names of the person or persons to whom the same are so sold, and the port and place from which the same is to be exported; and all such notices shall be filed by the said commissioners, or their officers, to whom the same are given and sent as aforesaid; and a certificate thereof, containing the like quantities and denominations of the wares or other articles, and also the names, persons and places expressed in such notices respectively, shall, if required, be made out under the hands of the said commissioners, or their officers aforesaid, and delivered *gratis* to the person or persons by whom such notices respectively were given or sent; and in all prosecutions of offenders for selling or buying any such wares or other articles aforesaid, contrary to the provisions of this act, every such certificate shall be legal evidence of notice, and of the quantities and denominations of the wares and other articles aforesaid expressed or contained therein.

Account of articles exported to be sent to the commissioners of stamps,

to be filed, and certificates thereof to be granted to the venders, which shall be legal evidence.

Persons convicted of offences against this act, forfeit their licence.

XXII. And be it further enacted by the authority aforesaid, That if any person or persons, licensed in pursuance of this act, shall be convicted or prosecuted to final judgement by any the ways or means by this act prescribed of or for any offence against this act, whereby any pecuniary penalty or sum of money is incurred or forfeited, the licence granted to the person or persons so convicted or prosecuted to judgement of or for such offence, shall thenceforth be null and void; and so from time to time, upon each and every successive conviction or judgement against such person or persons so offending as aforesaid, every new or subsequent

subsequent licence granted in pursuance of this act shall, in like manner, thenceforth be null and void; and that it shall not be lawful for the said commissioners, or any of their officers respectively, after such conviction or judgement, to grant any new licence pursuant to this act, to any person or persons so convicted or prosecuted to judgement, unless such person or persons shall, at the time when such new licence is granted, give security by bond to his Majesty, his heirs and successors, with one or more sufficient sureties, to be approved of by the said commissioners, or the officer or officers by them appointed for that purpose, in the following sums respectively, and on the following condition; that is to say, If such person or persons respectively shall have been so convicted or prosecuted to judgement for a first offence against this act, then such bond to be entered into on the renewal of any licence vacated thereupon, shall be in the penal sum of one hundred pounds sterling money of *Great Britain*; and if such person or persons shall have been so convicted or prosecuted to judgement for a second or other subsequent offence against this act, then such bond shall be in double the penal sum contained in the last preceding bond, entered into by such person or persons so offending as aforesaid; and that the condition of such bonds respectively shall be, that if such person or persons shall thenceforth well and truly conform to and observe all the regulations and provisions of this act, so far as he, she, or they shall be concerned therein, then such bonds shall be void, otherwise to be and remain in full force; and the said commissioners, or any three or more of them, and any officer or officers by them appointed for that purpose, are hereby authorised to take the said bond or bonds; and in case the person or persons entering into such bond, and to whom such licence shall have been granted, shall, at any time during the continuance of such licence, or any future licence, have acted contrary to the regulations and provisions of this act, and to the form and effect of the said condition, then and in such case the said commissioners shall, and they are hereby required to cause every such bond to be prosecuted with effect; and which prosecution shall and may be carried on against the principal obliger, his, her, or their surety or sureties, or his, her, or their executors or administrators respectively, as the said commissioners shall think proper.

What securities are to be given on renewal of forfeited licences.

XXIII. *And, in order to obviate any doubts which may arise in the construction of this act, for want of a particular specification, denomination, and enumeration of the different wares, or other articles aforesaid, which are charged with, or subject to the rates or duties by this act imposed, or to which the same shall extend*; be it declared and further enacted by the authority aforesaid, That, the rates and duties hereby imposed on powders, pastes, balls, balsams, ointments, oils, waters, washes, tinctures, essences, liquors, or other preparation or composition whatsoever, commonly called, known, or distinguished, by the name of *Sweet Scents*, *Odours* or *Perfumes*, or by the name of *Cosmeticks*, used, or to be used, by any person or persons as sweet scents, odours perfumes, or cosmeticks,

Duties to extend to all articles included in the schedule annexed.

meticks, which shall be uttered, vended, or exposed to sale, in *Great Britain*; and also upon dentifrice powders, tinctures, and other preparation or composition whatsoever, for the teeth or gums, which shall be uttered, vended, or exposed to sale, in *Great Britain*; and also upon rolls, cakes, balls, or pieces, packets, boxes, or other inclosures of, or containing any pomatum, ointment, hair powder, or other preparation or composition for the hair, which shall also be uttered, vended, or exposed to sale in *Great Britain*; and upon persons uttering, vending, or exposing to sale the same; and all the powers, provisoes, articles, clauses, distributions of penalties and forfeitures, and all other matters and things prescribed or appointed by this act, for the raising, levying, collecting, and securing the said rates and duties, shall particularly extend, and be deemed and adjudged to extend, to charge with the said rates and duties all and every the wares and other article and articles mentioned, named, enumerated, or specified in the schedule hereunto annexed, by the respective names therein mentioned, or by whatsoever other name or names the same have heretofore been, now are, or hereafter shall be called, known, or distinguished; and also all other powders, pastes, balls, balsams, ointments, oils, waters, washes, tinctures, essences, liquors, and other preparation or composition aforesaid, called *Sweet Scents*, *Odours*, *Perfumes*, or *Cosmeticks*, as aforesaid; and all dentifrice powders, tinctures, and other preparation or composition aforesaid for the teeth or gums; and all rolls, cakes, balls, or pieces, packets, pots, boxes, or other inclosures of, or containing any pomatum, ointment, hair powder, or other preparation or composition aforesaid for the hair, not therein particularly enumerated or specified, having the same or the like properties, qualities, virtues and efficacies, and used for the same or the like purposes with those wares or other articles so enumerated or specified therein, as fully and effectually as if the several wares and other articles aforesaid, in and by this act above described, and the several articles in the said schedule named, enumerated or specified, were particularly named, enumerated, or specified, in the body of this act.

Persons counterfeiting stamps, or using them, guilty of felony.

XXIV. And be it further enacted by the authority aforesaid, That if any person or persons shall counterfeit or forge, or procure to be counterfeited or forged, any seal, stamp, or mark, directed or allowed to be used, or provided, made, or used in pursuance of this act, for the purpose of denoting the duties by this act granted; or shall counterfeit or resemble the impression of the same, upon any vellum, parchment, or paper, with an intent to defraud his Majesty, his heirs or successors, of any the said duties; or shall utter, vend, or sell, any vellum, parchment, or paper, directed to be marked or stamped with any mark or stamp provided and used in pursuance of this act, with a counterfeit mark or stamp thereupon, knowing such mark or stamp to be counterfeit; or if any person shall privately and fraudulently use any seal, stamp, or mark, directed or allowed to be used by this act, with intent to defraud his Majesty, his heirs or

or successors, of any of the said duties, then every such person so offending, and being thereof convicted, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy.

Former powers relative to stamp duties extended to this act.

XXV. And be it further enacted by the authority aforesaid, That all powers, provisions, articles, clauses, and all other matters and things prescribed or appointed by any former act or acts of parliament relating to the stamp duties on vellum, parchment, and paper, shall be of full force and effect with relation to the rates and duties hereby imposed, and shall be applied and put in execution for raising, levying, collecting, and securing the said new rates and duties hereby imposed, according to the true intent and meaning of this act, as fully and effectually, to all intents and purposes, as if the same had severally and respectively been hereby enacted with relation to the said new rates and duties hereby imposed.

How penalties are to be appropriated,

XXVI. And be it further enacted by the authority aforesaid, That all pecuniary penalties hereby imposed, shall be divided and distributed (if sued for within the space of six calendar months from the time of any such penalty being incurred), in manner following; one moiety thereof to his Majesty, his heirs and successors, in the manner herein-after mentioned, and the other moiety thereof to the person or persons who shall inform and sue for the same.

and how to be recovered.

XXVII. And be it further enacted by the authority aforesaid, That all pecuniary penalties imposed on any person or persons for offences committed against this act, shall and may be sued for and recovered, with full costs of suit, in any of his Majesty's courts at *Westminster*, for offences committed in that part of *Great Britain* called *England*, the dominion of *Wales*, or the town of *Berwick upon Tweed*; and in his Majesty's court of sessions, court of justiciary, or court of exchequer, in *Scotland*, for offences committed in that part of *Great Britain* called *Scotland*, by action of debt, bill, plaint, or information, wherein no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed.

No informer intitled to his share of penalties who does not prosecute in time limited.

XXVIII. Provided always, and be it further enacted by the authority aforesaid, That such division or distribution of the penalties as aforesaid shall be, and is hereby confined and restricted to the prosecuting for the same within the time herein-before for that purpose limited; and that in default of such prosecution within the time aforesaid, no informer or informers shall have, or be intitled to any part or share of such penalties, but that the whole thereof shall belong to his Majesty, his heirs and successors, and shall be recoverable in manner aforesaid; any thing herein contained to the contrary notwithstanding.

Justices may determine matters relative to pecuniary penalties.

XXIX. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any justice of the peace residing near the place where the offence shall be committed, to hear and determine any offence against this act which subjects the offender to any pecuniary penalty; which

which said justice of the peace is hereby authorised and required, upon any such information exhibited, or complaint made in that behalf, at any time within six calendar months after such offence shall have been committed against this act, to summon the party accused, and also the witnesses on either side, and shall examine into the matter of fact, and upon due proof made thereof, either by the voluntary oath of the party, or by the oath of one or more credible witness or witnesses (which oath he is hereby impowered to administer), to give judgement or sentence for the penalty or forfeiture, according as in and by this act is directed; all which penalties and forfeitures so adjudged, shall be divided and distributed, one moiety thereof to the informer or informers who shall prosecute for the same, and the other moiety (the necessary charges for the recovery thereof being first deducted), shall be paid to the use of his Majesty, his heirs and successors, in the manner herein-before directed, and to award and issue out his warrant, under his hand and seal, for the levying any such pecuniary penalties or forfeitures so adjudged on the goods of the offender, and to cause sale to be made thereof in case they shall not be redeemed within three days, rendering to the party the overplus, if any; and where the goods of the offender cannot be found sufficient to answer the penalty, to commit such offender to prison, there to remain for the space of three months, unless such pecuniary penalty shall be sooner paid and satisfied; and if any person or persons shall find himself, herself, or themselves aggrieved by the judgement of any such justice, then, he, she, or they shall and may, upon giving security, to the amount of the value of such penalty and forfeiture, together with such costs as shall be awarded, in case such judgement shall be affirmed, appeal to the justices of the peace at the next general quarter sessions for the county, riding, shire, stewartry, or place wherein the offence was committed, who are hereby impowered to summon and examine witnesses upon oath, and finally to hear and determine the same; and in case the judgement shall be affirmed, it shall and may be lawful for such justices to award the person or persons to pay such costs, occasioned by such appeal, as to them shall seem meet.

Appeal may be made to the quarter sessions.

XXX. And be it further enacted by the authority aforesaid, That if any person or persons shall be summoned as a witness or witnesses, to give evidence before such justice or justices of the peace touching any of the matters relative to this act, either on the part of the prosecutor, or of the person or persons accused, and shall neglect or refuse to appear at the time and place to be for that purpose appointed, without a reasonable excuse for such his, her, or their neglect or refusal, to be allowed of by such justice or justices of the peace before whom the prosecution shall be depending, that then every such person shall forfeit, for every such offence, the sum of forty shillings, to be levied and paid in such manner, and by such means as is herein-before directed as to other penalties.

Witnesses neglecting to attend, forfeit 40 shillings.

XXXI. *And, in order to avoid frivolous and vexatious appeals,* be

be it further enacted by the authority aforesaid, That the justices of the peace before whom any offender shall be convicted as aforesaid, shall cause the said conviction to be made out in the manner and form following, or in any other form of words to the like effect, *mutatis mutandis*; which conviction shall be good and effectual to all intents and purposes whatsoever, without stating the case, or the facts or evidence in any more particular manner; (that is to say),

Form of conviction.

BE *it remembered, That on the day of in the year of our Lord in the county of* A. B. *of was convicted before me* C. D. *one of his Majesty's justices of the peace for the said county, residing near to the place where the offence was committed, for that the said* A. B. *on the day of now last past did,* [here state the offence against the act], *contrary to the form of the statute in that case made and provided: and I do declare and adjudge, That he, the said* A. B. *hath forfeited the sum of of law money of* Great Britain, *for the offence aforesaid; which sum of I do hereby mitigate to the sum of* [here state the mitigated penalty if necessary] *to be distributed as the law directs.*

Given under my hand and seal, the day of

Penalties may be mitigated.

XXXII. Provided nevertheless, That it shall and may be lawful to and for the said justice, where he shall see cause, to mitigate and lessen any such penalties as he shall think fit, reasonable costs of the officers and informers, as well in making the discovery as in prosecuting the same being always allowed, over and above such mitigation, and so as such mitigation do not reduce the penalties to less than one moiety of the penalties incurred over and above the said costs and charges; any thing contained in this act, or any other act of parliament, to the contrary notwithstanding; and that no such conviction shall be removed by *certiorari* into any court whatsoever.

No conviction shall be removed by Certiorari.

Duties to be paid to the receiver general for stamps, and by him paid into the exchequer.

XXXIII. And be it further enacted by the authority aforesaid, That the several duties herein-before granted, shall be paid from time to time into the hands of the receiver general for the time being of the duties on stamped vellum, parchment, and paper; who shall keep a separate and distinct account of the several rates and duties, and pay the same (the necessary charges of raising, paying, and accounting for the same, being deducted) into the receipt of the exchequer, at such time and in such manner as the duties now charged on stamped vellum, parchment, and paper, are directed to be paid; and that in the office of the auditor of the said receipt, there shall be provided and kept a book or books, in which all the monies arising from the said several rates and duties, and paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies, paid or payable to his Majesty, his heirs or successors, upon any account whatsoever; and the said money, so

Auditor to keep a separate account of the monies, which shall be carried to the sinking fund.

paid into the said receipt of exchequer as aforesaid, shall be carried to and made part of the fund commonly called *The Sinking Fund*, and shall be applicable to the same uses and purposes as the said sinking fund is, or by law may be applicable unto.

His Majesty's shares of penalties to be paid to the said receiver, and paid by him into the exchequer annually on Aug. 1;

XXXIV. And be it further enacted, That, from and after the said fifth day of *July*, one thousand seven hundred and eighty-six, all such penalties or forfeitures, and shares of penalties or forfeitures, as shall be due or payable to his Majesty, his heirs or successors, by virtue of this act, shall, from time to time, be paid into the hands of the said receiver general (or some other person to be authorised by the said commissioners for the time being, or the major part of them, to receive the same), who shall keep a separate and distinct account thereof, and pay the same (the necessary charges of paying and accounting for the same being deducted) into the receipt of the exchequer, on the first day of *August* in every year, unless the same shall be a *Sunday* or holiday, and then on the first day following not being a holiday; and in the office of the auditor of the said receipt there shall be provided and kept a book or books, in which all the monies arising from the said penalties or forfeitures, or shares of penalties or forfeitures paid into the said receipt, shall be entered in such manner as shall or may be directed by any act or acts of parliament of this present session; and the said monies, so to be paid into the said receipt of exchequer as aforesaid, shall be issued and applied to the use of his Majesty, his heirs and successors, in such manner and to such purposes as other penalties or forfeitures due or payable to his Majesty have heretofore been used to be, or directed to be paid or applied, and to no other use or purpose whatsoever.

and applied as other penalties.

General issue.

XXXV. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times, be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any clause, matter, or thing herein contained, such person or persons shall and may plead the general issue, and give the special matter in evidence for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

Treble costs.

SCHEDULE

SCHEDULE FIRST

To which this ACT refers:

Containing the names by which many sweet scents, odours, perfumes, and cosmeticks, and other wares and articles of merchandize now in use, subject to the duties by this act imposed, are known or distinguished; that is to say,

Almonds, Powder of
Paste
Soap
Wash Balls
Amber, Essence of
Soap
Wash Balls
Balsam for the Hair
Bears' Grease
Bergamotte, so called
Essence of
Pomatums
Wash Balls
Water
Bouquet, so called
Essence of
Powder
Water
Pomatums
Camphire Wash Balls
Cedar, Essence of
Citron, Essence of
Civet, so called
Civet, Essence of
Powder
Cypress, so called
Essence of
Water
Sweet Cypress Powder
Cyprian Odoriferous
Powder
Cithere Water
Cream, Cold, for the Face
Beautifying, for Ditto
White Cream Wash
Balls
Marble Ditto
Dentifrice, so called
Spence's Ditto
Ruspini's Ditto
Pearl Ditto
Myrrh Ditto
Dentifrice, Vegetable Ditto
Dew, Olympian
Naples
Filberts, Oil of
Flowers, Essence of
Hair Powder, so called
Honey Water
Honeysuckles, Essence of
Pomatums
Hyacinth, Essence of
Jessamine, Essence of
Milk of
Oil of
Powder of
Pomatums
Syrup of
Water
Jonquil, Essence of
Water of
Pomatums
Lavender, Distilled Water
Ditto from the
Flowers
Essence of
Volatile Ditto
Lavender, Powder of
Pomatums
Wash Balls
Lemon, Essence of
Lillies, Carnation of
Milk of
Powder of
Wash Balls
Lime, Essence of
Marechalle, so called
Powder of
Duchesse
French
Pomatums
Water
Mignionette, Essence of
Millefleurs, Essence of

Millefleurs, Powder of
Pomatums
Water
Musk, Essence of
Powder of
Myrrh, Essence of
Myrtle, Essence of
Oeillet, so called
Essence of
Pomatums
Powder
Orange, Essence of
Powder of
Butter
Pomatum
Orange Flower, Essence of
Powder of
Pomatum
Paints, Rouge
Blanche
Vegetable Rouge
Serviette Rouge
Peach Kernels, Powder of
Royal Tincture of
Peach Blossoms, Powder of
Pearl, Essence of
Powder of
Powder of Pearl of *India*
Water
Paste, Chinese
Spermacetti
Pomatums, Ducheſſe
French
Flora
Italian
Common, hard and soft
Scented
Pomade de Nerole
Pomade de Grasse
Royal Pomatum for the Face
Sweet Storax Pomatum
Powders, A la Reine
Aromatic
Artois
Bloom
Devonshire
Black
Brown
Powders, Grey
Orris
Orleans
Pink
Red
Yellow
Scented
for the Face
Chinese Face Powder
Royal Powder
Sangwine's Powder for the Teeth
Shaving Powder
Pulville, so called
Rhodium, so called
Essence of
Roses, Essence of
Cream of
Vegetable Cream of
Milk of
Roses, Odour of
Liquid Bloom of
Powder of
Pomatums
Savon, Royal
Savonette, de Grasse
Soap, Alicant
Bath
Cake
Improved
Jerusalem
Joppa
Italian
Naples
Perfumed
Venice
Sweet Briar, Essence of
Powder of
Tinctures, for the Teeth
Greenough's ditto
Ruspini's ditto
Thyme, Essence of
Tuberose, Essence of
Pomatum
Water
Violet, Essence of
Powder of
Fargeon's Powder of
Pomatums
Water
Wash Balls, Circassian
Wash Balls,

Wash Balls, Chemical
Italian
Marble
Queen's Marble
Royal Cyprian
Washes, Venetian Bloom
Turkish
Waters, Perfumed
Carmes
Waters, Cologne
Italian Hair Water
Miss in her Teens
Suave
Sans Pareille
Vento's Italian Water
Wool, China
India
Spanish

SCHEDULE SECOND
To which this ACT refers:

Containing the names of certain wares and other articles liable to the duties by this act imposed, and which are allowed to be kept for sale in bulk, or otherwise, without any stamped cover, wrapper, or label affixed thereto, until the time of actual sale thereof, if such cover, wrapper, or label shall, at the time of such sale, be *bona fide* and without fraud affixed thereto in pursuance of this act.

Almond Paste
Powder
Bears' Grease
Cold Cream
Italian square hard Soap
Naples soft Soap
Perfumed and coloured Hair Powder, above the price of two shillings *per* pound weight
Rouge in pots
Wash Balls of all sorts.

CAP. L.

An act for the encouragement of the southern whale fishery.

Preamble.

WHEREAS *it is proper to encourage, by new and additional premiums, the fishery carried on by his Majesty's* European *subjects in the seas to the southward of the* Greenland *seas and* Davis's Streights, *for the purpose of taking whales and other creatures found in those seas: and whereas it is of importance that immediate effect should be given to such new and additional premiums, for which reason it is necessary to repeal the laws by which the present premiums are granted*; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifteenth day of *June*, one thousand seven hundred and eighty-six, so much of an act, passed in the fifteenth year of the reign of his present Majesty, intituled, *An act for the encouragement of the fisheries carried on from* Great Britain, Ireland, *and the* British *dominions in* Europe; *and for securing the return of the fishermen, sailors, and others, employed in the said fisheries, to the ports thereof, at the end of the fishing season*, as relates to the whale fishery carried on to the southward of the *Greenland* seas and *Davis's Streights*: and also so much of another act, passed in the

Part of 15 Geo. 3. c. 31;

and 26 Geo. 3. c. 47. repealed.

fixteenth year of the reign of his preſent Majeſty, intituled, *An act for the further encouragement of the whale fiſhery, carried on from* Great Britain, *and* Ireland, *and the* Britiſh *dominions in* Europe, *and for regulating the fees to be taken by the officers of the cuſtoms in the iſland of* Newfoundland, as relates to the ſaid whale fiſhery, ſhall be, and are hereby repealed, except ſo far as regards ſhips or veſſels, which may have been fitted and cleared out for the purpoſe of carrying on ſuch fiſhery before the firſt day of *May*, one thouſand ſeven hundred and eighty-ſix, under the encouragements given by the ſaid acts.

Premiums granted for ten years to twenty ſhips fitted out for the whale fiſhery from Great Britain or Ireland.

II. And be it further enacted by the authority aforeſaid, That the ſeveral premiums hereafter mentioned ſhall be paid and allowed for ten years to twenty ſhips or veſſels employed in the ſaid fiſhery, under the limitations and reſtrictions hereinafter expreſſed; that is to ſay, Every ſuch ſhip or veſſel ſhall appear by her regiſter to be *Britiſh* built, and ſhall be fitted and cleared out from ſome port of *Great Britain* or *Ireland*, or the iſlands of *Jerſey*, *Guernſey*, or *Man*, and ſhall be wholly owned by his Majeſty's ſubjects uſually reſiding in any of the dominions aforeſaid, and navigated as hereinafter directed.

Particulars of premiums for fifteen ſhips firſt fitted out, etc.

III. And be it further enacted by the authority aforeſaid, That for fifteen of ſuch ſhips or veſſels which ſhall be ſo fitted and cleared out after the firſt day of *May*, and before the firſt day of *September*, in the preſent year one thouſand ſeven hundred and eighty-ſix, and between the firſt day of *May* and the firſt day of *September* in each ſucceeding year, and ſhall have ſailed to the ſouthward of the ſeventh degree of north latitude, and ſhall there have *bona fide* carried on the ſaid fiſhery, and ſhall return before the firſt day of *July*, in the year ſubſequent to that in which they cleared out, to ſome port of *Great Britain*, there ſhall be paid and allowed five hundred pounds to each of the three ſuch ſhips or veſſels which ſhall ſo ſail and firſt arrive; within the times herein-before mentioned, with the greateſt quantity of oil or head matter taken together, being not leſs in the whole than twenty tons in each of ſuch ſhips or veſſels, and being the produce of one or more whale or whales, or other creatures living in the ſeas, taken and killed by the crews of every ſuch ſhip or veſſel reſpectively; and there ſhall be paid and allowed four hundred pounds to each of the three ſuch ſhips or veſſels, which ſhall in like manner ſail and firſt arrive with the next greateſt quantity of ſuch oil or head matter taken together, being not leſs in the whole than twenty tons in every ſuch ſhip or veſſel, and being the produce of any whale or whales, or other creatures living in the ſeas, ſo taken as aforeſaid; and there ſhall be paid and allowed three hundred pounds to each of the three ſuch ſhips or veſſels, which ſhall in like manner ſail and firſt arrive with the next greateſt quantity of ſuch oil or head matter taken together, being not leſs in the whole than twenty tons in every ſuch ſhip or veſſel, and being the produce of any whale or whales, or other creatures living in the ſeas, ſo taken as aforeſaid; and there ſhall be paid and allowed

lowed two hundred pounds to each of the three such ships or vessels, which shall in like manner sail and first arrive with the next greatest quantity of such oil or head matter taken together, being not less in the whole than twenty tons in every such ship or vessel, and being the produce of any whale or whales, or other creatures living in the seas, so taken as aforesaid; and there shall be paid and allowed one hundred pounds to each of the three such ships or vessels which shall in like manner sail and first arrive with the next greatest quantity of such oil or head matter taken together, being not less in the whole than twenty tons in every such ship or vessel, and being the produce of any whale, or whales, or other creatures living in the seas, so taken as aforesaid.

Particulars of premiums for the five ships last fitted out.

IV. And be it further enacted by the authority aforesaid, That for five other of such ships or vessels, which shall be fitted and cleared out, and shall sail within the times herein-before mentioned, and proceed to the southward of the thirty-sixth degree of south latitude, and shall there *bona fide* carry on the said fishery, and shall return in not less than eighteen months, and not more than twenty-eight months, from the first day of *May*, in the year in which they clear out, to some port in *Great Britain*, there shall be paid and allowed seven hundred pounds to the first of such ships or vessels which shall so sail and first arrive, within the times herein-before last mentioned, with the greatest quantity of oil and head matter taken together, being not less in the whole than twenty tons, and being the produce of any whale or whales, or other creatures living in the seas, and taken and killed by the crew of such ship or vessel; and there shall be paid and allowed six hundred pounds to the second of such ships or vessels which shall so sail and first arrive, within the times herein-before last mentioned, with the next greatest quantity of oil and head matter taken together, and being not less in the whole than twenty tons, and being the produce of any whale or whales, or other creatures living in the seas, so taken as aforesaid; and there shall be paid and allowed five hundred pounds to the third of such ships or vessels which shall so sail and first arrive, within the times herein-before last mentioned, with the next greatest quantity of oil and head matter taken together, and being not less in the whole than twenty tons, and being the produce of any whale or whales, or other creatures living in the seas, so taken as aforesaid; and there shall be paid and allowed four hundred pounds to the fourth of such ships or vessels which shall so sail and first arrive, within the times herein-before last mentioned, with the next greatest quantity of oil and head matter taken together, and being not less in the whole than twenty tons, and being the produce of any whale or whales, or other creatures living in the seas, so taken as aforesaid; and there shall be paid and allowed three hundred pounds to the fifth of such ships or vessels which shall so sail and first arrive, within the times herein-before last mentioned, with the next greatest quantity of oil and head matter

taken together, and being not less in the whole than twenty tons, and being the produce of any whale or whales, or other creatures living in the seas, so taken as aforesaid.

The master and three fourths of the crew must be British subjects, or foreign protestants intending to establish themselves in Great Britain.

V. And be it further enacted by the authority aforesaid, That every such ship or vessel shall be navigated by persons, of whom the master and at least three fourths of the mariners are his Majesty's subjects usually residing in *Great Britain*, *Ireland*, *Guernsey*, *Jersey*, or *Man*; or if such ship or vessel shall clear out from any port of *Great Britain*, then that such ship or vessel may be navigated by persons being protestants, and who, not being subjects of his Majesty, have been heretofore employed in carrying on the said fishery, and who shall, at the time of clearing out of every ship or vessel on board of which they shall serve respectively, make oath, or, being a quaker, shall make affirmation, before two or more of the principal officers of the customs, of which the collector is to be one, at the port where such ship or vessel shall so clear out, (which oath or affirmation they are hereby authorised and required to administer), if it is their first voyage from any port of *Great Britain*, that they have already established, or that it is their intention to establish themselves and their families in *Great Britain*, as inhabitants thereof, and subjects of his Majesty; and if it shall be their second, or any subsequent voyage, that they actually have established themselves and their families in *Great Britain* as aforesaid.

No premium shall be paid, unless there is on board an apprentice for three years, for every 50 tons burthen:

VI. And be it further enacted by the authority aforesaid, That no premium granted by this act shall be paid or allowed to any person or persons whatever, for or on account of any ship or vessel employed in the aforesaid fishery, unless such ship or vessel shall have on board an apprentice indentured for the space of three years, at the least, for every fifty tons burthen of such ship or vessel by admeasurement, every such apprentice not exceeding the age of eighteen years, nor being under fourteen years, at the time he shall be so indentured, and having proceeded on and continued the whole of the voyage both out and home for which any such premium shall be claimed, unless such apprentice died or deserted in the course of the voyage; which facts shall and are hereby required to be verified by the oath of the master, the mate, and two of the mariners belonging to such ship or vessel, taken before two or more of the principal officers of the customs, at the port to which such ship or vessel shall return from the said fishery, (of which the collector is to be one), which oath they are hereby authorised and required to administer; and in confirmation also thereof, the proper officers of the customs belonging to the port to which such ships or vessels shall respectively return, shall, immediately after their return from such voyage respectively, visit every such ship or vessel, and muster the crew, and having satisfied themselves therein, shall certify the same to the commissioners of his Majesty's customs in *England* and *Scotland* respectively.

Nor unless a log book

VII. And be it further enacted by the authority aforesaid, That no premium granted by this act shall be paid or allowed to

to any person or persons whatever, on account of any ship or vessel employed in the said fishery, unless a log book shall have been regularly kept on board such ship or vessel, in which log book the various situations and occurrences, respecting such ship or vessel, during the whole course of the voyage, shall be inserted every day, and particularly the times when such ship or vessel shall have been in sight of land, distinguishing what land, and the bearings thereof, and the supposed distances therefrom, and the soundings; and also the time when and the latitude in which any whale, or other creature living in the sea, shall have been killed, taken, or caught by the crew of such ship or vessel; which log book, so to be kept as aforesaid, shall be delivered by the master, or other person having or taking the charge or command of such ship or vessel, at the time of his making a report of such ship or vessel, to the collector of the customs at any port in *Great Britain*, where such ship or vessel shall arrive, on her return from the said fishery, for his inspection and examination; and the said master, or other person having or taking the charge or command of such ship or vessel, together with the mate thereof, shall jointly and severally verify on oath the contents of such log book before such collector, who is hereby authorised and required to administer the same

shall have been regularly kept, which shall be delivered to the collector of the customs verified on oath.

VIII. And be it further enacted by the authority aforesaid, That in case any such ship or vessel shall, in the course of her voyage, meet or fall in with any of his Majesty's ships or vessels of war, the master, or other person having or taking the charge or command of her, shall and is hereby required to produce to the captain, or other officer commanding such ship or vessel of war, the said log book, so to be kept as aforesaid; and such captain or commanding officer shall, and is hereby required to make a memorandum in such log book of the day on which it was so produced to him, and shall subscribe his name to such memorandum, and shall also make an entry in the log book of the said ship or vessel of war, of the name and description of the ship or vessel on board of which the log book of such ship or vessel, so produced to and signed by him, was kept; and in case such ship or vessel, on board of which a log book is required to be kept as aforesaid, shall put into any foreign port, where there is or shall be a *British* consul, or other chief *British* officer, the master, or other person having or taking the charge or command of such ship or vessel, shall and is hereby required to produce such log book to such *British* consul, or other chief *British* officer, who shall and is hereby required also to make a memorandum therein of the day on which it was so produced to him, and shall, in like manner, subscribe the same.

The log book to be produced to the captain of any ship of war that may be met at sea, who shall make therein a memorandum of the production; and also to the British consul at any foreign port, for the like purpose.

IX. And be it further enacted by the authority aforesaid, That the master, mate, and two of the mariners belonging to every such ship or vessel, shall and are hereby required, upon the importation into *Great Britain* of any oil or head matter as being taken on the fishery aforesaid, to declare upon oath, before two or more of the principal officers of the customs at the ports of

Oath to be made that the cargo is the produce of creatures killed by the ship's crew.

of their arrival respectively, of which the collector shall be one (which oath they are hereby authorised and required to administer,) from what port, and the time when, such ship or vessel cleared out, and that all such oil or head matter, so imported, is the produce of one or more whale or whales, or other creatures living in the seas, actually and *bona fide* taken and killed by the crew of such ship or vessel only, at the times, and in the latitudes respectively mentioned and set down in the log book so to be kept as aforesaid.

Persons taking part of the cargo of other vessels for the purpose of obtaining a premium, forfeit 500l. one moiety to the informer, if information be given in a month after report at the custom-house.

X. And be it further enacted by the authority aforesaid, That in case the master, or other person having or taking the charge or command of any ship or vessel whatever, fitted out as aforesaid, for the purpose of obtaining some one or other of the premiums, granted by this act, shall knowingly receive or permit, or suffer to be received on board such ship or vessel, for the purpose of obtaining any one of the said premiums, any oil, head matter, or any other produce whatever of any whale or whales, or other fish or creatures living in the sea, which whale or whales, or other creatures living in the sea, shall not have been really and *bona fide* caught and taken by the crew of such ship or vessel only, such master, or other person having or taking the charge or command of such ship or vessel, shall forfeit the sum of five hundred pounds; one moiety of which sum shall on recovery thereof, be paid to the person or persons discovering the same, provided such person or persons shall give information of the offence within one month after such master, or other person having or taking the charge or command of such ship or vessel, shall have reported his ship or vessel at the custom-house at the port to which such ship or vessel shall return from the said fishery; which master, or other person having or taking the charge or command of such ship or vessel, is hereby required to make such report in the usual time, and in the manner in which all trading ships or vessels are reported before the proper officers of the customs; and the owner or owners of such ship or vessel shall, and is and are hereby authorised and required, in case, at the time such information shall be given, any sum or sums of money shall be due from him or them to such master, or other person having or taking the charge or command of such ship or vessel, to keep and detain such sum or sums of money, and to pay the same (towards discharging the said penalty) to the collector or other principal officer of the customs at such port to which such ship or vessel shall so return from such fishery; and if such owner or owners shall pay any sum or sums of money to, or shall otherwise account for, such sum or sums of money with any master or other person having or taking the charge or command of any such ship or vessel, before the expiration of one month after the report shall have been so made at the custom-house as aforesaid, and such master or other person shall be liable to the penalty aforesaid, such owner or owners shall make good such sum or sums of money so paid, or otherwise accounted for, and shall pay the same towards

When information has been given, owners to pay any sums due to masters to the collectors of the customs; and if paid otherwise, shall be accountable for the same.

discharging

diſcharging the aforeſaid penalty into the hands of the collector, or other principal officer of the cuſtoms, in manner before directed.

Produce of whales caught in particular latitudes on the voyage to be deemed part of the quantity entitling to a premium.

XI. And be it further enacted by the authority aforeſaid, That in caſe any whale or whales, or other creatures living in the ſea, ſhall be caught or taken in any part of the ocean, to the northward of the ſeventh degree of north latitude, by the crew of any of the fifteen ſhips or veſſels, to which premiums are given in manner before mentioned, or to the northward of the thirty-ſixth degree of ſouth latitude, by the crew of any of the five ſhips or veſſels, to which other premiums are alſo given, in manner before mentioned, either on the voyage out or return home, of any ſuch ſhip or veſſel, the oil or head matter produced from ſuch whale or whales, or other creatures ſo caught or taken, ſhall be accounted, and conſidered and taken to be part of the quantity of oil and head matter required to be taken and imported as aforeſaid, to entitle the owner or owners of ſuch ſhip or veſſel to ſome one of the premiums herein-before granted; provided it ſhall appear by the log book of ſuch ſhip or veſſel, ſo kept as aforeſaid, that ſuch ſhip or veſſel hath actually ſailed beyond, and been *bona fide* employed in the fiſhery, either to the ſouthward of the ſeventh degree of north latitude, or to the ſouthward of thirty-ſix degrees of ſouth latitude, as the caſe may be.

Ships fitted out under the recited acts of 15 & 16 Geo. 3. which ſailed between Jan. 1, and May 1, 1786, entitled to premiums.

XII. And be it further enacted by the authority aforeſaid, That in caſe any ſhip or veſſel ſhall have been fitted out on the aforeſaid fiſhery, under the rules and reſtrictions contained in the before recited acts, made and paſſed in the fifteenth and ſixteenth years of the reign of his preſent Majeſty, and ſhall have ſet ſail upon a voyage for ſuch fiſhery, after the firſt day of *January*, one thouſand ſeven hundred and eighty-ſix, and before the ſaid firſt day of *May*, one thouſand ſeven hundred and eighty-ſix, and ſhall in all reſpects conform to the ſeveral and reſpective rules, regulations, and reſtrictions in and by the ſaid recited acts directed and required, the owner or owners of every ſuch ſhip or veſſel ſhall be allowed and entitled to ſuch one or other of the aforeſaid premiums, granted by this act to the fifteen ſhips or veſſels herein-before mentioned, as ſuch owner or owners would be entitled to if ſuch ſhip or veſſel had been fitted out, and had ſailed after the ſaid firſt day of *May*, and before the ſaid firſt day of *September*, one thouſand ſeven hundred and eighty-ſix, in conformity to the regulations of this act; and every ſuch ſhip or veſſel ſhall be accounted as one in the number of the ſhips or veſſels to which the fifteen premiums herein-before mentioned are granted.

Commiſſioners of the cuſtoms may order payment of the premiums.

XIII. And be it further enacted by the authority aforeſaid, That in caſe all and every the ſeveral rules, regulations, and reſtrictions, preſcribed and directed by this act, ſhall have been obſerved and fully complied with, it ſhall and may be lawful for the commiſſioners of his Majeſty's cuſtoms in *England*, or any four or more of them, and the commiſſioners of his Majeſty's

jesty's customs in *Scotland*, or any three or more of them, to order the receiver general of his Majesty's customs in *England* and *Scotland* respectively, to pay out of any money in his hands, arising by any duties under their management, to such person or persons as shall be legally intitled thereto, any of the premiums herein-before granted.

Ships permitted to sail to the east of Good Hope, &c.

XIV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any ship or vessel, employed in carrying on the said southern whale fishery, to sail and pass for that purpose to the eastward of the *Cape of Good Hope*, and to the westward of *Cape Horn*, or through the *Streights of Magellan*; any law, usage, or custom to the contrary notwithstanding.

Restrictions in their course.

XV. Provided always, and be it further enacted, That any ship or vessel sailing to the eastward of the *Cape of Good Hope*, for the purpose aforesaid, shall not sail or pass to the northward of thirty degrees of south latitude, nor make more than fifteen degrees of east longitude from the said *Cape of Good Hope*; and that any ship or vessel so sailing or passing to the westward of *Cape Horn*, or through the *Streights of Magellan*, for the purpose aforesaid, shall not pass to the northward of the equinoctial line, nor make more than fifty degrees of west longitude from *Cape Horn*.

Ships sailing to the East of Good Hope, &c. to take a licence from the India company.

XVI. Provided also, and be it further enacted, That every ship or vessel employed in the said fishery, and intending to sail or pass to the eastward of the *Cape of Good Hope*, or to the westward of *Cape Horn*, or through the *Streights of Magellan*, shall, before she shall proceed on her voyage, be obliged to take a licence for each respective voyage, from the court of directors of the united company of merchants of *England* trading to the *East Indies*, for the time being, in the name and under the seal of the said company, specifying which of the said voyages such ship shall be licensed to perform, and such licence shall be valid and effectual only for the voyage therein expressed; and the said court of directors shall not be required to grant any licence to pass to the eastward of the *Cape of Good Hope*, to more than ten ships or vessels in any one year or season, nor to grant any licence to any ship or vessel to sail or pass to the eastward of the *Cape of Good Hope*, unless the person or persons applying for, or demanding such licence, shall deliver to the said court of directors a manifest or certificate under the hand of the collector or comptroller, or other chief officer of the customs belonging to the port or place from whence such ship or vessel is intended to clear out and sail, verified by the oath of the owner or owners, or the master of such ship or vessel, taken before and attested by any magistrate, or other person authorised by law to take affidavits, specifying the names and places of abode of the owner or owners, and master of the said ship, and also the species, quantity, quality, and value of all goods then on board of such ship or vessel, and of all goods (if any) intended to be afterwards taken into, or on board of the same, before her departure

Conditions on which such licences are to be granted.

parture outwards; and also unless it shall, by such manifest or certificate, appear unto the said court of directors, that no goods or merchandizes whatever (save and except the stores of such ship or vessel, and the tackle, materials, and other things necessary for the purpose of the voyage) are taken, or intended to be taken into or on-board of such ship or vessel.

Ships sailing out of their limits, or having improper merchandize on board, liable to the penalties of trading to the East Indies without licence.

XVII. And be it further enacted, That if any ship or vessel to be employed in the said southern whale fishery, to the eastward of the *Cape of Good Hope*, or the westward of *Cape Horn*, shall proceed or go beyond the limits herein-before specified or expressed, unless driven or forced beyond the same by stress of weather, or other inevitable accident, or being so driven or forced, shall not return back within the limits herein-before prescribed, with as much convenient speed as the safety of the ship or other circumstances will admit; or if any ship or vessel shall depart from any port or place without having first obtained such license as aforesaid, and shall go or be found beyond the *Cape of Good Hope*, or beyond the *Streights of Magellan*, or in any other place within the limits of the said company's exclusive trade; or if any ship or vessel, being so licensed to proceed to the fishery beyond the *Cape of Good Hope*, shall have on board, or shall take on board before her return, any manufactures, goods, or merchandize, other than and except such as shall have been specified and described in and by such manifest or certificate, and other than and except the oil, head matter, or bone of whales, or other fish or creatures caught or taken in carrying on the said fishery; every such ship or vessel, and the goods, merchandizes, and effects on board the same, and the owner and owners, master and crew thereof, shall be deemed and taken, to all intents and purposes, to be subject to the several provisions, regulations, penalties and forfeitures, by any act or acts, made or imposed upon any person or persons, or their ships, vessels, goods, merchandizes, and effects, who shall repair, sail, adventure, or go to, or traffick, trade, or be found in the *East Indies*, or other place or places within the limits of the said united company's exclusive trade, without licence having been first obtained from the said company; and the offenders shall and may be sued and prosecuted, and the penalties and forfeitures incurred shall and may be recovered in any court of justice in *Great Britain*, or in the *East Indies*, wherein suits may be instituted and brought for offences committed against the said acts, or any of them.

Certificates to be delivered to the secretary of the East India company, that no produce of the East Indies has been im-

XVIII. And be it further enacted by the authority aforesaid, That within thirty days next after the return of any ship or vessel from a fishing voyage from the eastward of the *Cape of Good Hope*, the master of such ship or vessel shall deliver, or cause to be delivered, to the secretary of the said united company, for the use of the said court of directors, a certificate under the hand of the collector or comptroller, or other chief officer of the customs belonging to the port or place where the said ship or vessel shall arrive, verified by the oath of the said master,

ported, to entitle to a premium.

master, taken before and attested by any magistrate or other person authorised by law to take affidavits, that no goods or merchandizes whatever of the growth, produce, or manufacture of any place or places in the *East Indies*, *China*, or elsewhere between the *Cape of Good Hope*, and the *Streights of Magellan*, except oil, head matter, or bone of whales or other fish, have been taken on board such ship or vessel during the said voyage; but in case any such goods and merchandizes shall have been taken on board the said ship or vessel during the said voyage, then the said certificate shall specify the species, quantity, quality, and value of all such goods and merchandizes, and the cause or reason of taking the same on board; and the owner or owners of such ship or vessel shall not be entitled to any bounty under the authority of this act, until such certificate as aforesaid shall have been delivered to the said secretary, and such delivery shall have been proved by a production of his receipt for the same.

Ships sailing within the limits of the South Sea company, must have licence from the company.

XIX. Provided always, and be it enacted by the authority aforesaid, That every ship or vessel intending to navigate within, or frequent any part of the seas comprized in the boundaries of the exclusive trade of the *South Sea* company, as described in and by an act of the ninth of her late majesty Queen *Anne*, shall, before she shall proceed on every such voyage, be obliged to take a licence for such voyage from the governor and company of merchants of *Great Britain* trading to the *South Seas*, and other parts of *America*, and for encouraging the fishery; and every vessel navigating such seas, without such licence, shall be liable to such forfeitures and penalties as are created and enacted by the said act; any thing in this act to the contrary thereof in any-wise notwithstanding.

No ship entitled to more than one premium the same season.

XX. And be it further enacted by the authority aforesaid, That no ship or vessel whatever shall be entitled, within or during the periods of time respectively limited by this act for such ship or vessel to sail on and to return from such voyage, to more than one of the premiums hereby granted, although such ship or vessel shall make two voyages within any one of the periods aforesaid.

If water be mixed with the oil, &c. imported, it shall be forfeited, as well as the claim to premium.

XXI. And be it further enacted by the authority aforesaid, That upon the return of every ship or vessel from the fisheries aforesaid, in which ship or vessel any oil or head matter shall be imported, and on account of which importation any of the premiums herein-before granted shall be claimed or demanded, in case there shall be any reason to suspect that such oil or head matter is mixed with water, or any other material or materials, in order to increase the quantity thereof, it shall and may be lawful to and for the collector, or other principal officer or officers of the customs, at the port to which such ship or vessel shall so return, to nominate, and appoint, and such collector, or other principal officer or officers, is and are hereby required to nominate and appoint one or more (as the case may require) skilful person or persons to examine such oil or head matter, for

the

the purpose of ascertaining whether such oil or head matter has been mixed with any water, or any other material or materials whatever (other than oil or head matter so taken as aforesaid), whereby the quantity of such oil or head matter is increased; and if it shall appear, upon such examination, that there has been mixed with such oil or head matter any water, or any other material whatever, whereby the quantity of such oil or head matter is increased, the owner or owners shall not be intitled to any of the premiums granted by this act; and over and above the loss of the premium, such oil or head matter, so mixed as aforesaid, shall be forfeited and lost, and shall and may be seized by any officer or officers of his Majesty's customs; and if any dispute shall arise whether there hath been mixed with such oil or head matter any water, or any other material or materials whatever, not being oil or head matter so taken as aforesaid, whereby the quantity of such oil or head matter is increased, then, and in such case, the proof thereof shall lie on the owner or claimer of such oil or head matter, or on the person or persons claiming the premium on account of the importation of such oil or head matter, and not on the officer who shall seize or prosecute the same.

In case of dispute, the owner to prove the purity of the oil.

XXII. And be it further enacted by the authority aforesaid, That before any of the premiums granted by this act shall be paid or allowed to any person or persons whatever, the exact quantity of oil and head matter taken together, imported in such ship or vessel, shall be truly ascertained by the proper officer or officers of the customs, and such quantity shall be certified by them to the commissioners of the customs in *England* and *Scotland* respectively.

Quantity imported to be ascertained by an officer of the customs, &c. before premiums are paid.

XXIII. And be it further enacted by the authority aforesaid, That all oil, head matter, or other produce of fish or creatures living in the seas, caught and taken in the manner and under the regulations and restrictions required by this act, as also all fins of whales, and skins of seals, so caught and taken, and that all oil, head matter, or other produce of whales, or other creatures living in the seas, fins of whales, and skins of seals, taken and caught in any part of the ocean by the crew of any ship or vessel built in *Great Britain*, *Ireland*, or the islands of *Guernsey*, *Jersey*, or *Man*, wholly owned by his Majesty's subjects, usually residing therein respectively, and navigated in manner aforesaid, shall, upon importation into *Great Britain*, be admitted to entry, and landed without payment of any custom or duty whatever.

Oil, &c. may be imported in British ships duty-free.

XXIV. And be it further enacted by the authority aforesaid, That if any person or persons who, not being subjects of his Majesty, have been heretofore employed in carrying on the said fishery, and who shall have established themselves and their families in *Great Britain*, for the purpose of carrying on the said fishery, in manner before-mentioned, and who shall so have carried on the said fishery, and imported the produce thereof into *Great Britain*, for and during the space of five years successively;

Foreigners settled in Great Britain, who shall have carried on the fishery 5 years, naturalized on taking the oath of allegiance.

cessively; all which facts shall be ascertained by a certificate or certificates from the proper officer or officers of his Majesty's customs; shall, upon taking the oath of allegiance to his Majesty, his heirs and successors, in one of his Majesty's courts of record at *Westminster* or *Edinburgh*, or at the general or quarter sessions of the peace where he or they reside, be considered, deemed, and taken to be his Majesty's natural-born subject or subjects, and be intitled to all the privileges and advantages of his Majesty's natural-born subjects; which oath so taken as aforesaid shall be enrolled by the court wherein the same shall be taken, and the record of such enrolment, or a copy thereof, properly authenticated, shall be admitted and taken in all cases as evidence of the fact, on the part of such person or persons as aforesaid.

No harpooner to be impressed.

XXV. And be it further enacted by the authority aforesaid, That no harpooner, line manager, or boat steerer, belonging to any ship or vessel, fitted out on the aforesaid fishery, shall be impressed from the said service, but shall be, and is hereby privileged and exempt from being impressed, so long as he shall belong to, and be employed on board any ship or vessel whatever in the fishery aforesaid.

Ships belonging to foreign protestants, who may come to reside in Great Britain, &c. before June 25, 1787, to be licensed, but not entitled to premiums.

XXVI. And be it further enacted by the authority aforesaid, That if any person or persons, being protestants, and not being subjects of his Majesty, who have been heretofore employed in carrying on the whale fishery, and being the owner or owners of any ship or vessel, and intending to reside, together with their families, in this kingdom, for the purpose of continuing to carry on such fishery from thence, shall, on or before the twenty-fifth day of *June*, one thousand seven hundred and eighty-seven, come into this kingdom, together with his or their family or families, and shall bring any ship or vessel, ships or vessels, built before the first day of *June*, one thousand seven hundred and eighty-six, to *Great Britain*, the number of such ships or vessels, not exceeding forty in the whole manned with any number of seamen or fishermen not less than twelve, having been heretofore employed in carrying on the said fishery in every such ship or vessel, and it shall be made appear to the satisfaction of the commissioners of his Majesty's customs in *England* and *Scotland* respectively, by the oaths (or affirmations if quakers) of such owners respectively, (which oaths or affirmations the said commissioners are hereby respectively authorized and impowered to administer), and by other means that he or they, together with his or their family or families, (if any they shall have), are then actually resident in *Great Britain*, and that twelve such seamen or fishermen at the least are brought into *Great Britain* in every such ship or vessel, and the same shall be certified, by the said commissioners in *England* and *Scotland* respectively, to his Majesty, it shall and may be lawful for his Majesty, his heirs and successors, by and with the advice of his privy council, if he shall see just cause so to do, to grant to the owner or owners of every such ship or vessel, ships or vessels,

not exceeding in the whole forty in number, a licence or licences to fit out any such ship or vessel, for the sole purpose of carrying on the said whale fishery from *Great Britain*, and to employ such ship or vessel in carrying on the same; and every such ship or vessel shall, from and after the granting of such licence as aforesaid, during the continuance of such licence, enjoy all the privileges, and advantages which now by law belong, or may at any time hereafter belong, to any *British* ship or vessel employed in the said fishery (except the premiums herein-before granted); and shall be allowed to import oil, and all other produce of the whale fishery, subject to the regulations and provisions herein-before contained, and free from all duties or imposts; any law or usage to the contrary notwithstanding.

In case of the death of a foreigner whose family had been resident 5 years and his ship employed the like term in the fishery. Licence to be granted her as a British ship, &c.

XXVII. And be it further enacted by the authority aforesaid, That if any such ship or vessel, so licensed as aforesaid, shall have been employed by such owner or owners as aforesaid, in carrying on the whale fishery from *Great Britain*, or shall be continued in carrying on such fishery, in case of his or their decease, during five successive seasons, and it shall be made appear, to the satisfaction of the commissioners of his Majesty's customs in *England* and *Scotland* respectively, by a certificate or certificates, under the hands of the minister and churchwardens of the respective parishes in which the owner or owners of every such ship or vessel shall have resided, and by other proper means, that he or they, or his or their family or families, have been resident in such parishes respectively for the space of five years successively, and the same shall be certified by the said commissioners respectively to his Majesty; then, and in such case, it shall be lawful for his Majesty, his heirs and successors, by and with the advice of his privy council, to authorize such owner or owners to register every such ship or vessel as shall have been so brought into this kingdom, and employed as aforesaid in the whale fishery from thence for five successive seasons, by virtue of such licence as aforesaid, in like manner as if the same were a *British* ship, owned by *British* subjects, and navigated according to law; and every such owner or owners shall also, from thenceforth, in respect of every such ship or vessel, be intitled to all such bounties as are herein-before granted to *British* ships and vessels employed in carrying on the said fishery; and they, and each of them, shall have and enjoy the rights, privileges, and advantages of natural-born subjects of *Great Britain*, in like manner, and subject to the like disabilities, as the same may be granted to aliens by special acts of parliament.

Owner of such ship to take the oath of allegiance.

XXVIII. Provided always, That all and every owner or owners of every such ship or vessel, before he or they shall be admitted to register any such ship or vessel, shall take and subscribe the oath of allegiance to his Majesty, his heirs and successors, in one of his Majesty's courts of record at *Westminster* or *Edinburgh*, or at the general or quarter sessions of the peace holden in the place where he or they reside; which oath shall be

be inrolled by the court wherein the same shall be taken and subscribed, on payment of the like sum or sums to the officer or officers of such court for entering the same, as are or shall be payable by law on the entry of such oath in the courts aforesaid, in any case where the same is by law required.

Persons granting or using false certificates, forfeit 500l.

XXIX. And be it further enacted by the authority aforesaid, That if any person or persons whatever shall knowingly give or grant any false certificate or certificates for any of the purposes required or directed by this act, such person or persons shall forfeit the sum of five hundred pounds, and be rendered incapable of serving his Majesty, his heirs or successors, in any office whatever: and if any person or persons shall counterfeit, erase, alter, or falsify any certificate or certificates required by this act, or shall knowingly or willingly make use of any false certificate or certificates, or of any certificate or certificates so counterfeited, erased, altered, or falsified, such person or persons shall, for every such offence, forfeit the sum of five hundred pounds; and every such certificate or certificates shall be invalid and of no effect.

How Penalties are to be appropriated.

XXX. And be it further enacted by the authority aforesaid, That one moiety of the penalties and forfeitures inflicted by this act (except in such cases where other directions are given by this act), shall be to the use of his Majesty, his heirs and successors, and the other moiety to such officer or officers of the customs as shall sue or prosecute for the same in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland* respectively, where the offence shall be committed.

General issue.

XXXI. And be it further enacted, by the authority aforesaid, That if any action or suit shall be commenced against any person or persons whatever, for any thing done in pursuance of this act, the defendant or defendants, in such action or suit, may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon, and that the same was done in pursuance of and by the authority of this act: and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or shall discontinue his action, after the defendant or defendants hath or have appeared, or if judgement shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

Treble costs.

CAP. LI.

An act for better securing the duties on starch, and for preventing frauds on the said duties.

Preamble.

WHEREAS, *notwithstanding the many laws made for securing the duties on starch, and for protecting the fair trader, many gross frauds are still frequently practised by various persons, to the great loss of the revenue, and the injury of the fair trader; for remedy*

remedy thereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty-fourth day of *June*, one thousand seven hundred and eighty-six, before any starch shall be put into the stove or any other place to dry, (except for crusting), all such starch shall be put or wrapped in papers, and shall be tied in manner hereinafter directed; and that when any starch-maker shall be desirous of papering starch for drying, he, she, or they, shall give to the officer for the duties on starch, of the division or district where his, her, or their starch-house is situated, twelve hours notice in writing, if such starch-house shall be situated within the limits of the chief office of excise in *London*, or if such starch-house shall be situated in any other part of *Great Britain*, twenty-four hours notice in writing, of the particular time and hour when he, she, or they, intend to begin to paper his, her, or their starch for drying, and shall in such notice express the number of pieces intended to be papered, and into what particular stove or other drying-place such pieces are intended to be put to dry; and in case such starch-maker shall not begin to paper his, her, or their starch at the time and hour mentioned in such notice, or within one hour next after, then every such notice shall be void, and such starch-maker shall be obliged to give a fresh and like notice in writing before he, she, or they shall begin to paper his, her, or their starch; and when any such maker or makers of starch shall begin to paper such starch, he, she, or they shall proceed and continue to paper the same until all the pieces of starch mentioned in such notice shall be papered.

From June 24, 1786, notice shall be given of the intention to paper starch for drying, and of the quantity.

Starch shall be begun to be papered within an hour after the time expressed in the notice.

II. And be it further enacted by the authority aforesaid, That every maker of starch shall cause every piece of starch, when papered, to be tied with strings crossing each other on that side of the piece where the ends of the paper shall be folded, and shall cause to be strongly affixed or pasted, with warm paste made with glue, on every piece of starch so papered and tied, a label, or piece of thin paper, three inches long and three inches broad at the least, of a different colour from the paper in which the starch shall be wrapped; that is to say, If the starch shall be wrapped in blue or brown paper, the said label or piece of thin paper shall be white; and if the starch shall be wrapped in white paper, such label or piece of thin paper shall be blue; and such label or piece of thin paper shall be affixed on that side of the piece of starch where the ends of the paper shall be folded, and in such manner as to prevent the opening of the said paper of starch without tearing the said label or piece of thin paper; and the officer of the duties on starch for the division or district where such starch-house shall be situated, shall attend and see such starch papered and tied in manner aforesaid, and such label or piece of thin paper affixed on every piece of such starch, and shall take an account of every piece of such starch; and such officer shall cause every piece of starch so papered as aforesaid to

Every paper of starch shall have a label thereon, stamped by the officer, on penalty of 100l.

be stamped or sealed upon such label or piece of thin paper aforesaid, with such stamp or seal as shall be provided by the commissioners for the duties on starch in *England* and *Scotland* respectively for that purpose, before any such piece of starch shall be put into the stove to dry; and if any starch-maker shall begin to paper his, her, or their starch without giving such notice as aforesaid, or having given such notice, and begun to paper his, her, or their starch as aforesaid, shall not proceed and continue to paper such starch in manner aforesaid, or shall not cause the same to be tied in manner aforesaid, and such labels or pieces of thin paper to be affixed thereon, as aforesaid, every starch-maker so offending shall, for every such offence, forfeit the sum of one hundred pounds.

Every parcel, &c. of starch found unstampt, to be forfeited, and the owner fined 200l.

III. And be it further enacted by the authority aforesaid, That, from and after the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, if any piece or pieces of starch papered, not being stamped in manner aforesaid, or any piece or pieces of starch not papered, or loose starch, or scrapings of starch, shall be found in any stove or other place for drying belonging to any starch-maker, (whether such place shall be an entered place or not an entered place), all such starch papered and not stamped, or not papered, or loose starch, or scrapings of starch, shall be forfeited, and the starch-maker, in whose possession such unstamped starch, loose starch, or scrapings, shall be found, shall forfeit the sum of two hundred pounds: provided, that nothing herein contained shall extend to pieces of starch put into the stove for crusting only before the same shall be scraped.

Commissioners for starch duties to distribute proper stamps, to be affixed without doing damage to the starch.

IV. And be it further enacted by the authority aforesaid, That the commissioners for the duties on starch in *England* and *Scotland* respectively, shall, on or before the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, provide proper stamps or seals for stamping or sealing the papers, containing all pieces of starch which shall be made and papered in *England* and *Scotland* respectively, and by this act directed to be stamped or sealed, and shall cause such stamps or seals to be distributed to the respective officers for the purpose before mentioned; which officers are hereby enjoined and required in using the same, to do no hurt or damage, or the least damage that may be, to the starch or paper containing the same to be so stamped or sealed, which stamps or seals shall and may, from time to time, be varied or altered as often as the said respective commissioners shall think fit to alter the same.

V. *And, for the better preventing or discovering any frauds that may be attempted by shipping starch for exportation, in order to obtain a drawback of the duties thereupon, and afterwards relanding the same to be consumed in* Great Britain, be it further enacted by the authority aforesaid, That when any starch-maker, or dealer in starch, who shall have paid all his Majesty's duties upon any quantity of starch, or shall have bought, or shall be lawfully entitled to any quantity of starch from the person or persons who actually

After notice given agreeable to act 25 Geo. 3. cap. 74. every

actually paid the said duties thereupon, shall intend to export any such starch, and shall have given such notice of packing up the same, in order to be exported, to the officer appointed for that purpose, as is required by an act, passed in the last session of parliament, intituled, *An act for repealing the duty imposed on tea by an act passed in the last session of parliament, and for granting other duties in lieu thereof; for repealing so much of several acts as relates to the removal of tea; for directing the officers of excise to examine and certify the exportation of exciseable commodities; and for better securing the duties on candles*; it shall be lawful for such officer, who shall attend to see the said starch packed up, and he is hereby required to stamp or mark every paper of starch so intended to be packed up, in order to be exported, on the label or piece of thin paper herein-before directed to be affixed thereon, with such stamp or mark, having the word *Exportation* denoted thereon, as the commissioners for the said duties on starch in *England* and *Scotland* respectively shall provide and direct to be used for that purpose; and the said respective commissioners shall, on or before the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, provide proper stamps or marks, having the word *Exportation* denoted thereon, and shall cause the same to be distributed to the proper officers respectively for the purposes last aforesaid, which stamps or marks shall and may, from time to time, be varied or altered, as often as the said respective commissioners shall think fit to alter the same.

Paper of starch for exportation to have a proper label put thereon by the officer.

VI. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time forge or counterfeit any such stamp or mark, which shall be provided for stamping or marking starch intended to be exported, every person so offending shall, for every such offence, forfeit the sum of one hundred pounds.

Persons forging any stamp to forfeit 100l.

VII. And be it further enacted by the authority aforesaid, That the said officer or officers, who shall attend to see such starch packed up in order to be exported, shall not permit to be packed up, in order to be exported, any piece or pieces of starch, not having thereon the label, or piece of thin paper, stamped as is herein-before directed, intire and unbroken; and all such starch so intended to be exported shall be subject to all the regulations required by the said act, made in the last session of parliament, concerning starch intended to be exported; provided that nothing in this act contained shall extend to starch ground into powder, commonly called *Hair Powder*, which shall at any time be intended to be exported.

No starch to be exported without a perfect label.

Act not to extend to exportation of starch made into hair powder.

VIII. And be it further enacted by the authority aforesaid, That, from and after the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, if any piece or pieces of starch, stamped with the said stamp or mark as aforesaid, provided for stamping or marking starch intended to be exported, shall be found upon land, except in the warehouse or place where the same shall be packed up before the same shall be shipped, or in removing from thence to be put on board the ship in which the

Starch stamped for exportation forfeited, if found any where but where packed up, or removing from

thence to be shipt.

the same is intended to be exported, all and every such piece or pieces of starch shall be forfeited, and may be seized by any officer of the customs or excise, or for the duties on starch.

Regulations with regard to the scrapings of starch, left afterpapering.

IX. And be it further enacted by the authority aforesaid, That within one hour after the pieces of starch shall have been papered and stamped by the officer, all the scrapings belonging to such pieces of starch shall be weighed and taken account of by the officer, and shall be put into water in frames, tubs, or other utensils, and shall not be mixed with any other starch or preparation for making starch then in operation; and the said scrapings shall be immediately dissolved, and strained through a sieve, and being so strained, the officer for the duties on starch shall take an account thereof as a green water, and the same shall not be again disturbed or meddled with, until such notice shall be given for boxing the same, as is required by an act made in the fourth year of the reign of King *George* the Second, intituled, *An act to prevent frauds in the revenue of excise, with respect to starch, coffee, tea, and chocolate*; and another act, made in the nineteenth year of his present Majesty's reign, intituled, *An act for better securing the duties on starch*; and the said scrapings of starch, so put into water and dissolved, shall be chargeable, and shall be charged by the proper officer with all the same duties upon starch as any other starch, and in like manner as any other starch, or materials for making starch, are or ought to be charged with.

4 Geo. 2. c. 24.

19 Geo. 3. c. 40.

Allowance to be made for the scrapings, which are to be weighed by an officer, and dissolved and strained within one hour afterwards, on penalty of 200l.

X. *And whereas, it being required by this act that scrapings of starch should be dissolved in water, and converted into green waters, it is reasonable that an allowance should be made for the said scrapings, out of the amount of the boxgage or boxgages of which the said scrapings have been a part*; be it therefore further enacted by the authority aforesaid, That after the scrapings of starch shall be weighed by the officer, and the said scrapings shall be put into water, as by this act is required, the said officer shall deduct seven tenth parts of the weight of such scrapings, from the amount of the boxgage of which such scrapings have been a part, provided the weight of such scrapings do not exceed one fifth part of the whole amount of such boxgage or gages; but if the weight of such scrapings exceed the aforesaid proportion, yet no greater deduction shall be made than according to the said proportion; that is to say, No greater deduction shall be made, in any case, than seven tenth parts of one fifth part of the said amount of the boxgage or gages; and it shall be lawful for the officer to charge the starch-maker with the duties from the amount of the boxgage or boxgages, after such deduction shall have been made therefrom, provided such amount, after such deduction made, shall not be less than the actual weight of the starch, when the same is removed from the stove, or other drying place or places, and weighed: provided also, that no allowance or deduction shall be made in cases where the duties shall be charged according to the gage taken in the four waters, or in the green waters, together with the slimes, as directed by the said act, made in the nineteenth

nineteenth year of his present Majesty's reign, or by this act; and in case any starch-maker shall neglect to put all such scrapings under water, and to stir the same until dissolved, and to strain the same through a sieve, within the space of one hour after the same shall have been weighed and taken account of by the officer, every such starch-maker so offending shall forfeit the sum of two hundred pounds; and in case any starch-maker shall, after such scrapings shall have been dissolved and strained into any frame, tub, or other utensil, wilfully cause the same to be disturbed, or the whole, or any part thereof, to be taken away before notice shall have been given of boxing the same, such starch-maker shall be deemed to have boxed starch without notice, and shall forfeit and lose the sum of two hundred pounds, as by the said act made in the nineteenth year of his Majesty's reign is directed; and in case any starch-maker, in order to encrease the quantity of scrapings before the same shall be weighed by the officer, shall mix therewith any starch of the same, or any other making, or any flour, meal, or other material whatever, or wilfully cause any water, or other liquid, to be put to such scrapings, or by any means whatever cause the said scrapings to be increased in weight, such starch-maker shall, for every such offence, forfeit the sum of two hundred pounds.

Scrapings not to be taken away without notice given of boxing, nor increased in weight, on penalty of 200l.

XI. *And whereas it may happen that the paper wherein any piece of starch shall be contained, after the same has been stamped as aforesaid, may, in the stove or other drying-place, or by taking from the stove or other drying-place, or otherwise by accident, be broken or damaged, so as to be unfit for sale*; be it further enacted by the authority aforesaid, That when the paper wherein any piece of starch shall be contained, shall by any accident be broken or damaged, and the starch-maker, to whom the same belongs, shall be desirous of having the same repapered and restamped, such starch-maker shall give to the said officer for the said duties, in the division or district in which his, her, or their starch-house shall be situated, twelve hours notice in writing, if such starch-house shall be situated within the limits of the chief office of excise in *London*, or if such starch-house shall be situated in any other part of *Great Britain*, twenty-four hours notice in writing, that such starch-maker desires to have such piece or pieces of starch repapered and restamped; and thereupon it shall be lawful for such officer, being satisfied that such piece or pieces of starch had before been duly stamped, and that the paper or papers containing the same had been broken or damaged by accident, as soon as is convenient after the expiration of such twelve hours or twenty-four hours respectively, to restamp such piece or pieces of starch, the same being repapered and tied, and such label or piece of thin paper as aforesaid being affixed or pasted thereon in manner herein-before directed.

Damaged stamps may be replaced by the officer.

XII. *And, to the end that starch made in* Great Britain, *and charged with the duties on starch before the commencement of this act, may not be improperly seized*; be it further enacted by the authority aforesaid, That the respective commissioners for the duties

Starch in hand to be stampt, if application be made to the commissioners within three months after commencement of this act.

on starch shall, on or before the said twenty fourth day of *June*, one thousand seven hundred and eighty-six, provide proper stamps or seals for stamping or sealing all stock of starch in the hands of any starch-maker, and shall at all times, within three months, from the commencement of this act, at the request and desire of any such starch-maker, order and direct the proper officer for the said duties to stamp or seal every piece of starch made in *Great Britain*, and charged with the said duties before the commencement of this act, and then remaining in the possession of such starch-maker, with such mark, impression, stamp, or device as to such respective commissioners shall appear most proper for that purpose, such pieces of starch being papered and tied with strings, and such label or piece of thin paper being affixed or pasted thereon, in manner herein-before directed, by the starch-maker who shall desire the same to be so marked or stamped, and oath being made by such starch-maker, or his, her, or their chief workman, that all such starch was made in *Great Britain* before the commencement of this act, and that the duties have been duly charged thereon; which oath the surveyor or supervisor of the division or district within which the starch-house belonging to such starch-maker is situated, is hereby authorised and required to administer; and all starch, so marked and stamped in pursuance of such orders and directions, shall and may be removed, sold, and disposed of, as if the same had been made since the commencement of this act, and the directions of this act fully complied with.

In three months after June 24, 1786, all unstamped starch above 28lb. seizable, and the owner to forfeit 10s. per lb.

XIII. And be it further enacted by the authority aforesaid, That, from and after the end of three months after the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, all starch not being stamped as by this act is directed, and all loose starch exceeding the quantity of twenty-eight pounds weight, and all scrapings of starch which shall be found in the possession of any starch-maker, or of any other person, for the use of such maker or dealer, or that shall be found removing or removed by land or by water, shall be forfeited, and may be seized by any officer for the said duties, together with the chest, cask, sack, or other package containing the same, and the boat or vessel, horses or other cattle, waggon, cart, or other carriage, made use of in removing the same; and the starch-maker or dealer in starch, or other person receiving starch to the use of such starch-maker or dealer, in whose possession any such unstamped starch, or any such loose starch, exceeding the quantity of twenty-eight pounds weight, or such scrapings of starch, shall, after the end of the said three months after the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, be found, shall forfeit the sum of ten shillings for every pound weight of such unstamped starch, or of such scrapings, or for every pound weight exceeding twenty-eight pounds weight of such loose

Not to extend to starch made into hair powder, &c.

starch: provided, that nothing herein contained shall extend to starch made into hair powder, or to any quantity of starch taken out of the papers in the possession of any hair powder maker, or

in

in the possession of any blue-maker, or to any quantity of starch taken out of the papers, not exceeding twenty-eight pounds weight, in the possession of any dealer in or seller of starch, nor to the returns from the sieves, that may be in the possession of any makers of hair powder.

XIV. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time forge or counterfeit any stamp or seal, to resemble any stamp or seal which shall be provided in pursuance of this act for stamping or sealing starch made and papered in *Great Britain* after the commencement of this act, or the stock of starch in the hands of any starch-maker, or shall counterfeit or resemble the impression of the same upon the papers containing starch as aforesaid, thereby to defraud his Majesty, his heirs or successors, of the duties upon starch, then every person so offending, being thereof convicted in due form of law, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy; and if any person or persons shall at any time sell any starch with any such forged or counterfeit stamp or seal, or impression thereon, knowing the same to be forged and counterfeited, and with an intent to defraud his Majesty, his heirs or successors, or shall knowingly fix, or cause to be fixed, any paper, stamped according to this act, to any piece of starch, other than that which was originally inclosed in such paper, with intent to defraud his Majesty, his heirs or successors, every person so offending shall, for every such offence, forfeit the sum of five hundred pounds.

Persons forging stamps guilty of felony;

and persons using them forfeit 500l.

XV. *And whereas, by the aforesaid act, made in the nineteenth year of his present Majesty's reign, intituled,* An act for the better securing the duties on starch, *all starch-makers are required to give such notices as in the said act are mentioned, before they begin to empty or wash out their vats, and before they begin to take off the slimes or wash from the sour waters; but there is not any time limited within which such starch-makers shall finish the emptying or washing out their vats, or the taking off the slimes or wash from the sour waters: and whereas there is not any time limited therein for shifting the sour waters or green waters,* be it therefore enacted by the authority aforesaid, That, from and after the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, every maker of starch, after he shall have begun to empty or wash out his vat or vats, agreeably to the notice by the said act required, shall proceed and continue to empty or wash out such vat or vats, until the whole of such vat or vats shall be emptied or washed out, without leaving off, except for the space of one night; and every such starch-maker shall finish emptying or washing out such vat or vats, within the space of forty-eight hours, from the time of beginning to empty or wash out the same; and every starch-maker, after he shall have begun to take off the slimes or wash from the sour waters, agreeably to the notice by the said act required, shall proceed and continue to shift the said sour waters until the whole is finished, and shall finish the shifting the said sour waters within the space of twelve hours from the time

Recital of act 19 Geo. 3. c. 40.

Vats to be emptied in 48 hours, and sour waters shifted in 12 hours, after beginning those operations, on penalty of 100l.

time of beginning to take off the said slimes or wash; and every starch-maker who shall not finish the emptying or washing out his, her, or their vat or vats, within the space of forty-eight hours from the time of beginning the same, or shall not finish the shifting the said four waters within the space of twelve hours, from the time of beginning to take off the said slimes or wash, shall, for every such offence, forfeit the sum of one hundred pounds.

Green waters to remain undisturbed 24 hours, after shifting the four waters; of which shifting a declaration is to be made, on penalty of 100l. for offence in either particular.

XVI. And be it further enacted by the authority aforesaid, That when any starch-maker shall have finished the taking off the slimes and wash from the four waters, and the green waters shall be put into the frames, tubs, or other utensils, used for preparing and making the same into starch, the said green waters shall remain unmoved and undisturbed in the same frames, tubs, or other utensils, for the space of twenty-four hours at the least from the time the shifting of the four waters shall have been finished; and the said green waters shall not, during the said space of twenty-four hours, be moved or disturbed in the said frames, tubs, or utensils: and that the officers for the duties upon starch may be able to ascertain when the said green waters were so put into the said frames, tubs, or other utensils, after the shifting of the four waters had been finished as aforesaid, every maker of starch shall give, or cause to be given, to the officer for the said duties under whose survey such maker of starch shall then be, a declaration in writing, specifying therein the particular hour or time of the day when such maker of starch did finish shifting the four waters; and if any maker of starch shall, after the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, neglect to deliver such declaration last aforesaid, or shall move or disturb the green waters during the space of twenty-four hours after the shifting the four waters shall have been finished, agreeably to such declaration last aforesaid, then every such maker of starch shall, for every such offence, forfeit and lose the sum of one hundred pounds.

If starch, of which a gauge has been taken while making, is missed, the duty on it to be charged according to that gauge.

XVII. *And, the better to prevent any frauds by the secreting or concealing of starch*, be it enacted by the authority aforesaid, That in case any officer or officers for the duties upon starch shall at any time miss any quantity of starch, or materials for making starch, of which an account had been taken by gauge while the same was in the green waters and in the slimes respectively, and before the said starch shall have been put into the boxes, and shall not, upon reasonable demand, receive satisfaction what is become of the same, then, and in every such case, it shall and may be lawful for such officer or officers to charge the maker of such starch according to the gauge or gauges taken of the same in the green waters, together with the slimes, and every such maker shall pay the duty so charged.

XVIII. *And whereas by the said act, made in the nineteenth year of his present Majesty's reign, it is enacted, That if any maker of starch should, at any time whilst his starch is in operation and under water, mix, or cause to be mixed, any of the starch waters of one making with*

those

those of another making, every such maker of starch shall forfeit and lose for every such offence one hundred pounds, except such mixing be made in presence of an officer for the duties on starch: and whereas the mixing the starch waters of one making with those of another making, although in the presence of an officer, is found to be inconvenient, inasmuch as the officer is thereby prevented having an exact gauge of the starch during its operation in the frames; to prevent the same for the future, be it enacted by the authority aforesaid, That, from and after the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, if any maker of starch shall, whilst his starch is in operation and under water, mix or cause to be mixed any of the starch waters of one making with those of another making, every such starch-maker shall forfeit and lose the sum of one hundred pounds: provided nevertheless, that slimes which shall have been entered on the officers books as slimes, for the space of twenty-four hours, may be mixed in the presence of the officer for the duties on starch, and not otherwise.

The starch waters of different makings not to be mixed, on penalty of 100l; but slimes may be mixed in presence of an officer.

XIX. And be it further enacted by the authority aforesaid, That when any starch-maker shall be desirous of removing his, her, or their starch, after the same shall be dryed from the stove, every such starch-maker shall give to the officer for the said duties of the division or district where his, her, or their starch-house is situated, twelve hours notice in writing, if such starch-house is situated within the limits of the chief office of excise in *London*, or if such starch-house is situated in any other part of *Great Britain*, twenty-four hours notice in writing of the particular time and hour when he, she, or they intend to begin to remove his, her, or their starch, after the same shall be dried from the stove; and in case such starch-maker shall not begin to remove the starch from the stove, at the time and hour mentioned in such notice, or within one hour next after, then every such notice shall be void, and such starch-maker shall be obliged to give a fresh and like notice in writing before he, she, or they shall begin to remove his, her, or their starch, after the same shall be dried from the stove; and if any starch-maker shall begin to remove his, her, or their starch, after the same shall be dried from the stove, without giving such notice as aforesaid, he, she, or they so offending shall, for every such offence, forfeit and lose two hundred pounds.

Starch not to be removed from the stove, without giving notice, on penalty of 200l.

XX. *And whereas by the said act made in the nineteenth year of his present Majesty's reign, (intituled,* An act for the better securing the duties on starch), *it is enacted, That no person or persons whatsoever, residing within the limits of the head office of excise in* London, *shall be permitted to make entry of any workhouse or place for the making of starch, as required by the statutes in that case already made and provided, unless such person or persons shall occupy a tenement or tenements of the yearly value of ten pounds or upwards, and for which he, she, or they shall accordingly be assessed in their own name, and shall also pay to the parish rates; and that no person or persons whatsoever residing in any other parts of the kingdom where there are rates to church and poor, shall be permitted to make any*

Recital of act 19 Geo. 3. c. 40.

any such entry, unless such person or persons shall be assessed and pay to church and poor in the several parishes and places in which they respectively reside: and whereas divers evil-minded and indigent persons have made entries of workhouses, or places for the making of starch, in places where there are not rates to church and poor, and such evil-minded and indigent persons do frequently commit many gross frauds against the revenue; for remedy thereof, be it further enacted by the authority aforesaid, That, from and after the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, no person or persons whatever residing in any part of the kingdom out of the limits of the head office of excise in *London*, and in any places where there are not rates to church and poor, shall be permitted to make entry of any work-house, or place for the making of starch, unless such person or persons shall be assessed in his, her, or their own name, and pay in the several parishes and places in which such work-house or place for the making of starch shall be situated, to the rates and duties on houses, windows, and lights, granted by an act made in the sixth year of his present Majesty's reign, (intituled, *An act for repealing the several duties upon houses, windows, and lights; and for granting to his Majesty other duties upon houses, windows, and lights)*; and unless such person or persons shall also be assessed in his, her, or their own name, and pay in the several parishes and places in which such workhouse or place for the making of starch shall be situated, to the rates and duties upon inhabited houses, granted by an act made in the nine teenth year of his present Majesty's reign, (intituled, *An act for repealing the duties on all inhabited houses, imposed by an act made in the last session of parliament, and for granting to his Majesty other duties upon all inhabited houses in* Great Britain, *and for amending the said act; and also for amending so much of an act, made in the seventeenth year of the reign of his present Majesty, as imposes a duty upon all servants retained or employed in the several capacities therein mentioned)*, or by any other act or acts of parliament now in force; and that no entry of any workhouse or place for making of starch, already made, or to be made, as required by the statutes in that case made and provided, in any place out of the limits of the head office of excise in *London*, and where there are not rates to church and poor, shall be of any avail to any person or persons not so qualified, or for any longer time than the person or persons so making entry shall be qualified as aforesaid; and every person making starch, not qualified as aforesaid, shall, notwithstanding any entry by him, her, or them made, be deemed and taken to be persons making starch without entry, and shall be subject to the like penalties and forfeitures as persons making starch without entry are by the statutes in such case made and provided now subject unto.

No entry to be allowed (in certain places) except to persons assessed to the duties granted by

act 6 Geo. 3. c. 38; and by

act 19 Geo. 3. c. 59.

Persons making entries, are not qualified, liable to the penalties of making starch without entry.

XXI. *And whereas great quantities of starch are used in the making of stone blue, and some evil-minded persons, being makers of stone blue, do in a private and clandestine manner make starch, or otherwise manufacture meal or flour for the purpose of making stone blue,*

and

and thereby evade the payment of the duties upon starch, to the great loss of the revenue, and the injury of the fair trade; which mischiefs might, in great measure, be prevented, if the makers of stone blue were obliged to make entries of the places used by them for making or for keeping stone blue, or materials for making the same, and if the officers of excise were authorised to inspect such places; be it therefore further enacted by the authority aforesaid, That, on or before the twenty-fourth day of *June*, one thousand seven hundred and eighty-six, all and every person or persons, who now is or are, or shall then be a maker or makers of stone blue for sale, shall make a true entry in writing of his, her, or their names, and place or places of abode, together with all and every the workhouse or workhouses, and all and every other place or places whatever that shall be made use of by such person or persons for the making of stone blue, or for keeping stone blue, or materials for making stone blue, at the chief office of excise in *London*, if such person or persons now carry on, or shall then carry on, the business of making stone blue for sale within the limits of the said chief office; or if such person or persons now carry on, or shall then carry on, the said business in any other part of *Great Britain*, then at the office of excise next to the place where he, she, or they now carry on, or shall then carry on, the said business; and all and every person or persons who, after the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, shall become a maker or makers of stone blue for sale, shall, before he, she, or they shall begin to make or manufacture stone blue, make a true entry in writing of his, her, or their respective place or places of abode, together with all and every the workhouse or workhouses, and all and every other place or places whatever that shall be made use of by such person or persons for the making of, or for keeping stone blue, or materials for making stone blue, at the chief office of excise in *London*, if such person or persons shall carry on the said business within the limits of the said chief office, or if such person or persons shall carry on the said business in any other part of *Great Britain*, then at the office of excise next to the place where such person or persons shall carry on the said business, on pain of forfeiting and paying the sum of fifty pounds.

Makers of stone blue to make entries of their workhouses, &c. on penalty of 50*l.*

XXII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any officer or officers of excise, or of the duties upon starch, at all times by day, at his or their request, to enter the house or houses, workhouse or workhouses, and all and every other place or places whatever belonging to, or that shall be made use of by any maker or makers of stone blue for sale, for the making of stone blue, or for keeping stone blue, or materials for making stone blue, and there to examine all and every parcel or parcels of stone blue, and to take and carry away any sample or parcel of the same, paying a reasonable price for the same, according to the price that stone blue shall then commonly bear and be sold for.

Officers may examine stone blue, and take samples thereof, paying for the same.

XXIII. And

No ſtone blue to be made from materials that have not paid duty, on forfeiture thereof, and alſo 100l.

XXIII. And be it further enacted by the authority aforeſaid, That no maker or makers of ſtone blue for ſale, ſhall begin to make or manufacture, or cauſe or procure to be begun to be made or manufactured, any ſtone blue from any flour, meal, or other ingredients, or materials whatſoever, (other than the materials or ingredients for colouring the ſame) except ſtarch, for which all the duties due or payable in reſpect thereof have been firſt charged, on pain of forfeiting, for every ſuch offence, all ſuch ſtone blue, flour, meal, and other ingredients and materials whatſoever (other than the materials or ingredients for colouring ſuch ſtone blue), together with the boxes, tubs, and veſſels whatſoever containing the ſame, and alſo the ſum of one hundred pounds.

Unſtamped ſtarch in poſſeſſion of ſtone blue makers, &c. to be forfeited, and the owner fined 10s. per pound weight.

XXIV. And be it further enacted by the authority aforeſaid, That if, after the ſaid twenty-fourth day of *June*, one thouſand ſeven hundred and eighty-ſix, any ſuch maker of ſtone blue for ſale, or maker of hair powder for ſale, ſhall receive into his, her, or their poſſeſſion, any ſtarch in papers not ſtamped as aforeſaid, or any looſe ſtarch, or any ſcrapings of ſtarch, he, ſhe, or they ſo offending, ſhall, for every ſuch offence, forfeit the ſum of ten ſhillings for every pound weight of ſtarch ſo received in papers not ſtamped as aforeſaid, or of ſuch looſe ſtarch or ſcrapings of ſtarch; and all ſuch ſtarch in papers not ſtamped as aforeſaid, or looſe ſtarch, or ſcrapings of ſtarch, that ſhall be ſo received, or brought into the poſſeſſion of ſuch maker of ſtone blue, or maker of hair powder, ſhall be forfeited, and may be ſeized by any officer of exciſe, or of the ſaid duties, any thing herein contained to the contrary in anywiſe notwithſtanding; and if any ſuch maker of ſtone blue, or maker of hair powder, ſhall keep any ſtarch above the quantity of twenty-eight pounds in any unentered place, the ſame ſhall be forfeited, and ſuch maker of ſtone blue, or maker of hair powder, ſhall alſo forfeit the ſum of fifty pounds.

and if more than 28lb. be found in an unentered place, to be forfeited, and a fine of 50l.

Perſons refuſing officers ſamples of ſtone blue, paying for the ſame, forfeit 5ol.

XXV. And be it further enacted by the authority aforeſaid, That if any maker of ſtone blue for ſale, upon requeſt or demand made by any ſuch officer or officers, as aforeſaid, in the day-time, ſhall refuſe to permit, or ſhall not permit ſuch officer or officers, to enter and go into all and every the workhouſe or workhouſes, or all and every other place or places whatever belonging to, or that ſhall be made uſe of by him, her, or them, for the making of ſtone blue, or for the keeping ſtone blue, or any materials for making ſtone blue, or ſhall not permit ſuch officer or officers to examine, and to take and carry away with him or them any parcel or ſample of ſtone blue, upon his or their offering to pay for the ſame the price that ſtone blue ſhall then commonly bear and be ſold for; every ſuch maker of ſtone blue ſhall, for every ſuch offence, forfeit and pay the ſum of fifty pounds.

Perſons moleſting officers in the execu-

XXVI. And be it further enacted by the authority aforeſaid, That if any perſon whatever ſhall aſſault, oppoſe, moleſt, or hinder any officer or officers of exciſe, or for the duties on ſtarch,

in the due execution of any of the powers and authorities given and granted by this act, all and every the party or parties so offending shall, for every such offence respectively, forfeit and lose the sum of fifty pounds. tion of their duty, forfeit 50l.

XXVII. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures, imposed by this act, shall be sued for, recovered, levied, or mitigated, by such ways, means, and methods, as any fine, penalty, or forfeiture, may be sued for, recovered, levied, or mitigated, by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*, respectively; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall discover, inform, or sue for the same. How penalties are to be recovered and appropriated.

XXVIII. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons for any thing by him, her, or them, done in pursuance of this act, such action or suit shall be commenced within three months next after the matter or thing done, and shall be laid in the proper county, and the defendant or defendants in such action or suit may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer or otherwise, then such defendant or defendants shall have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs. Limitation of actions. General issue. Treble costs.

CAP. LII.

An act for the more effectually preventing the fraudulent removal of tobacco, and for the ease of the fair trader; for discontinuing the discount upon payment on bonds before due, and establishing the duty to be paid upon tobacco of the growth of the British *plantations, and the united states of* America.

WHEREAS *the several provisions for preventing the fraudulent removal of tobacco by land or water, contained in an act made in the twenty-fifth year of the reign of his present Majesty, (intituled,* An act for the better securing the duties payable on tobacco), *have commencement from the first day of* January, *one thousand seven hundred and eighty-six; notwithstanding which provisions, such tobacco as was imported before that time hath been or may be removed by land or water, otherwise than as by the said act is directed, inasmuch as the same having been imported before that time cannot be subject to the regulations prescribed by the said act: and whereas the continuance of this liberty may encourage the importers or possessors of uncustomed tobacco to pretend that the same was imported before the said first day of* January, *one thousand seven hundred and eighty-* Preamble. Recital of 25 Geo. 3. c. 81.

eighty-six, and, under that pretence, tobacco imported since that time, and tobacco stalks stripped, and snuff manufactured therefrom, may be removed otherwise than by the said act is directed, to the great prejudice both of the publick revenue and of the fair trader: and whereas it is expedient that all such tobacco as shall have been lawfully imported, and was stock in hand before that time, should be subject and liable to all and every the several and respective rules, regulations, and restrictions, directed and contained in the said herein-before recited act; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twenty-fourth day of *June*, one thousand seven hundred and eighty-six, no tobacco which shall have been imported into *Great Britain* before the said first day of *January*, one thousand seven hundred and eighty-six, nor any tobacco stalks stripped, nor snuff manufactured from tobacco so imported, shall be removed, carried, or conveyed, either by land or by water, in any other manner than as is directed by the said recited act; and the same shall, in every respect, be under and subject to the several rules, regulations, oaths, and restrictions directed and contained in the said act; and that all and each and every the fines, penalties, and forfeitures, inflicted and incurred by the said recited act, on the removal of tobacco imported since the said first day of *January*, one thousand seven hundred and eighty-six, or tobacco stalks stripped, or snuff manufactured from tobacco so imported, contrary to the said recited act, and the several rewards and distributions therein directed, shall extend, and be construed to extend, to all intents and purposes, to the removal of tobacco which shall have been imported into this kingdom, previous to the said first day of *January*, one thousand seven hundred and eighty-six, and to tobacco stalks stripped, and snuff manufactured from tobacco so imported.

From June 24, 1786, all tobacco, &c. though imported prior to Jan. 1, 1786, liable to the regulations of the recited act.

II. *And whereas, in and by the said recited act, it is provided, That if any importer or proprietor of tobacco, who hath given security for the payment of the duties in eighteen months, shall be desirous to discharge his bond or bonds, or any part thereof, in ready money, sooner than the expiration of the said eighteen months, so much shall be abated upon such bond or bonds as the discount, at the rate of seven pounds* per centum per annum, *shall amount to, in proportion to the time unexpired: and whereas it is expedient that the said discount should be discontinued:* be it therefore enacted by the authority aforesaid, That so much of the said recited act as provides, that if any importer or proprietor of tobacco, that hath given security as aforesaid, for the payment of the duties in eighteen months, shall be desirous to discharge his bond or bonds, or any part thereof, in ready money, sooner than the expiration of the said eighteen months, he shall be abated upon such bond or bonds so much as the discount, at the rate of seven pounds *per centum per annum*, shall amount to, in proportion to the time unexpired, shall be, and is hereby repealed.

No discount to be allowed on discharge of security bonds.

III. *And*

III. *And whereas tobacco of the growth of the* British *colonies or plantations in* America, *or of the growth of the united states of* America, *imported previous to the first day of* January, *one thousand seven hundred and eighty-six, is subject to the payment of the duty of fifteen pence, and two hundred and thirty-nine two hundred and fortieth parts of a penny,* per *pound weight, in case the duties are not paid down in ready money at the time of the entry of such tobacco, but the same are secured by bond, and the importers thereof are intitled to a discount after the rate of seven pounds* per centum per annum, *on the amount of certain of the said duties for the time unexpired in the bonds given for payment thereof: and whereas it would be a great hardship upon the importers of such tobacco, if they were to pay such duties*; be it therefore further enacted, That no tobacco imported previous to the first day of *January*, one thousand seven hundred and eighty-six, and for which bond shall have been given for securing the duties payable thereupon, and which is now remaining unsold in the warehouse under the King's locks, shall be subject or liable to pay more than the duty of one shilling and two-pence, and seventy-nine eightieth parts of a penny, for every pound weight of the same, according to the weights of such tobacco, taken by the proper officers of the customs on landing of the same at the importation thereof.

American tobacco imported prior to Jan. 1, 1786, remaining in the King's warehouse, to pay 1s. 2d. and 79-80ths of 1d. per lb. duty.

IV. Provided always, That the importer or importers of such tobacco, upon paying up the said duty of one shilling and two-pence, and seventy-nine eightieth parts of a penny, *per* pound weight, shall not be intitled to any discount whatsoever.

No discount to be allowed on payment of the said duty.

V. Provided also, That nothing herein contained shall extend, or be construed to extend, to alter in any respect the manner of appropriating the duties upon such tobacco; and that the present duties of one shilling and two-pence, and seventy-nine eightieth parts of a penny, *per* pound weight, shall be appropriated in the same manner, and to the same branches to which such duties were applicable before the making of this act.

Duties to be appropriated as heretofore.

VI. *And whereas tobacco, after having undergone certain kinds of manufacture, becomes known by the respective names of* Carrot *or* Roll, Pigtail *or* Twisted Tobacco, *and, from the nature of the manufacture, necessarily imbibes and retains a quantity of water or other ingredients, whereby the weight becomes considerably increased, and the revenue materially injured*; be it enacted by the authority aforesaid, That if, upon the examination by the proper officer or officers of the customs, any carrot or roll tobacco, entered for exportation, shall be found to contain of water, or any ingredients other than tobacco, more than twelve pounds for every one hundred pounds weight; or if any pigtail or twisted tobacco, entered as aforesaid, shall be found to contain of water, or any ingredients other than tobacco, more than ten pounds for every one hundred pounds weight, all such tobacco shall be forfeited.

Roll tobacco for exportation, containing any mixture of more than 12lb. and twisted tobacco more than 10lb. per cwt. to be forfeited.

VII. *And whereas there is a species of manufactured tobacco,*

known by the name of Cut Tobacco, *which ought not to contain a greater weight of stalk in proportion to the leaf than that of one pound of stalk to four pounds of leaf, which, in the natural state of tobacco, before it is so manufactured, is the usual proportion*, be it therefore enacted by the authority aforesaid, That if, upon the examination by the proper officer or officers of the customs, any cut tobacco entered for exportation shall be found to contain of stalk more than the said proportion, all such cut tobacco shall be forfeited.

Cut tobacco for exportation, containing more than 1-5th part stalk, forfeited.

VIII. And be it further enacted by the authority aforesaid, That if any carrot or roll tobacco, or pigtail or twisted tobacco, shall be seized as containing more than the due proportion of water, or any ingredients other than tobacco, or if any cut tobacco shall be seized as containing more than the due proportion of stalk, and the proprietor or proprietors of such tobacco respectively, or his or their agent, shall deny that the carrot or roll tobacco, or the pigtail or twisted tobacco seized, do respectively contain more than the due proportion of water, or any ingredients other than tobacco, or that the cut tobacco does contain more than the due proportion of stalk, then, and in such case, the matter in dispute shall be referred to the determination of two indifferent persons, one of whom shall be named by the officer or officers who shall have seized the same, and the other by the said proprietor or proprietors, or his or their agent; and in case the two persons so nominated shall not agree, it shall and may be lawful for the said two persons to nominate a third person, who shall finally determine the matter in controversy: provided always, that such referrence shall be made within the space of three days from the day of seizure; and that if at the end of the third day the referrees, nominated as aforesaid, shall not have decided, it shall and may be lawful for the commissioners of the customs in *England*, or any four or more of them, or the commissioners of the customs in *Scotland*, or any three or more of them, respectively, or for the collector and comptroller, in any of the out-ports, as the case may be, to appoint an arbitrator, who shall finally determine the matter in dispute.

How disputes relative to the mixture of tobacco, &c. are to be determined.

IX. *And whereas there is a difference at this time existing in the monies payable upon the importation of tobacco of the growth or production of his Majesty's colonies, plantations, islands, or territories in* America, *or of the growth or production of the united states of* America; *that is to say, Whether the duties are paid down in ready money, or whether they are secured by bond: and whereas it is expedient that such difference should be abolished, and that the monies to be paid in future shall, in all cases, be in amount the same as the duties which would be due and payable in case the importer or proprietor had not secured the same by bond, but had paid down the duties in ready money*; be it therefore enacted by the authority aforesaid, That, from and after the twenty-fourth day of *June*, one thousand seven hundred and eighty-six, the monies to be paid upon the importation into *Great Britain*, of tobacco of the growth of his Majesty's colonies, plantations, islands, or territories in *America*, or

Tobacco from his Majesty's colonies in America, or the united states, liable to the same

or of the growth or production of the united states of *America*, whether the duties shall be paid down in ready money at the time of importation, or whether the same shall be secured by bond, as is now by law allowed, shall and are hereby directed to be the same which are now due and payable in the case of an importer or proprietor of tobacco paying the duties down in ready money at the time of the importation thereof, and not securing the same by bond; any law, custom, or usage to the contrary notwithstanding.

duty, whether paid on importation, or secured by bond.

X. And be it further enacted by the authority aforesaid, That no discount shall be paid or allowed, nor any allowance whatever shall be made to any person or persons whatever, upon payment of any sum or sums of money in discharge of any bond or bonds already given or entered into in pursuance of the said herein-before recited act, or any other act or acts of parliament now in force, or which shall be hereafter given or entered into, in pursuance of the said herein-before recited act, before the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, unless the person or persons so paying the same shall, within twenty days after he or they shall have so paid the same, take the tobacco for which he or they shall have so paid such sum or sums of money out of the warehouse or warehouses belonging to his Majesty, wherein such tobacco shall have been lodged or deposited.

No discount to be allowed on bonds, entered into under recited act, unless, in 20 days after discharge, the tobacco is removed.

CAP. LIII.

An act to continue several laws relating to the giving further encouragement to the importation of naval stores from the British colonies in America; to the allowance upon the exportation of British made gunpowder; to the further encouraging the manufacture of British sail cloth; and to the duties payable on foreign sail cloth; to the granting liberty to carry sugars of the growth, produce, or manufacture of any of his Majesty's sugar colonies, directly to foreign parts, in ships built in Great Britain, and navigated according to law; to the importing salt from Europe into the province of Quebec in America; to the discontinuing the duties payable upon the importation of tallow, hogs lard, and grease; to the permitting the free importation of raw goat skins into this kingdom; to the repealing the duties upon pot and pearl ashes, wood and weed ashes, imported into Great Britain; and for granting other duties in lieu thereof; to the registering the prices at which corn is sold in the several counties of Great Britain, and the quantity exported and imported; and to the effectually encouraging the manufactures of flax and cotton in Great Britain; and to revive and continue several laws relating to the allowing a drawback of the duties on rum, shipped as stores, to be consumed on board merchant ships on their voyages; and to the granting a bounty upon the importation of hemp and rough and undressed flax from his Majesty's colonies in America.

So much of 8 Geo. 3. c. 12. as relates to the importation of wood, timber, and lumber, from America, further continued until Sept. 29, 1792, etc. Act 4 Geo. 2. c. 29. as to gunpowder, further continued until Sept. 29, 1792. Act 9 Geo. 2. c. 37. as to sail cloth, further continued until Sept. 29, 1792. Act 12 Geo. 2. c. 30. as to sugar, further continued until Sept. 29, 1792. Act 4 Geo. 3. c. 19. further continued until June 24, 1790. Act 7 Geo. 3. c. 12. as to tallow, etc. further continued until March 25, 1788, Act 15 Geo. 3. c. 35. as to goat skins, further con-

continued until June 20, 1790. Act 20 Geo. 3. c. 25. as to pot and pearl ashes, further continued until May 31, 1789 Act 10 Geo. 3. c. 39. as to corn, further continued for seven years from its expiration. Act 23 Geo. 3. c. 77. as to flax and cotton manufactured in Great Britain, further continued for two years. So much of act 19 Geo. 3. c. 22. as relates to a drawback on rums shipt as stores for merchant ships, revived, and further continued until April 1, 1783. Act. 4 Geo. 3. c. 26. as to hemp and flax imported, revived, and further continued until June 24, 1806.

CAP. LIV.

An act for continuing the salaries and profits of the commissioners, clerks, and other officers of the stamp office rateable to the land tax, in Shire Lane Ward, within the division of Saint Clement Danes and Saint Mary le Strand, in the liberty of Westminster, notwithstanding the said office should be removed into any other division or place.

Act of present session, c. 3. recited. Commissioners, clerks, and other officers of the stamp duties to be assessed on the said act to the land tax for their salaries, and other profits of their places in Shire Lane Ward, though the office be removed, so that the proportion assessed in St. Clement Danes and St. Mary le Strand in 1785, be again assessed thereon, and so as any other division to which the said office may be removed, be not charged with a greater proportion, in respect of the said salaries and profits, than it was in 1785. Out of such assessment one fourth part to be paid to the collectors of the district to which the office shall be removed, and also the whole of the land tax for all additional commissioners, clerks, and other additional officers of the said duties, created since Dec. 25, 1785, or which may hereafter be created, to be applied in aid of the assessment laid on such division, &c. To be a publick act.

CAP. LV.

An act to enable the justices of the peace for the county of Middlesex to raise money, in manner therein mentioned, for erecting a house of correction within the said county.

Justices may raise money for purchasing ground, and erecting a proper and commodious house of correction thereon, with necessary conveniencies, by granting annuities for lives, with or without benefit of survivorship, out of the county rates. Annuities charged upon the county rates. Grants may be transferred. The money received for the purchase of annuities, to be applied in paying for ground, and erecting buildings thereon, for the purpose aforesaid; and fitting up and furnishing the same, and the overplus to be applied in payment of the said annuities. The justices to lay a sufficient rate for the purposes of the county, and also for paying the annuities. Justices to appoint a treasurer, and to take security from him. Accounts to be kept of the receipts, and disbursements. The justices may sell, let out, or otherwise dispose of all or any part of the quakers' ground (adjoining to the present house of correction) and also the present house of correction, and the scite thereof, and the premisses belonging thereto, and also of any ground purchased for the same, which shall not be used for the same, or for the yards, outlets, and airing places belonging thereto. Saving to the justices the powers given by any former acts. To be a publick act.

CAP. LVI.

An act for obliging overseers of the poor to make returns, upon oath, to certain questions specified therein, relative to the state of the poor.

Preamble. WHEREAS *the great and increasing expences of maintaining and providing for the poor, within that part of* Great Britain

tain *called* England, *and the continual distresses of the poor notwithstanding, make it highly expedient for the legislature to take that subject into their most serious consideration: and whereas information of the state of the poor, and the nature of those expences, may be necessary to be procured, in order to enable parliament to judge of proper remedies to redress those grievances; but it is apprehended such information cannot be effectually obtained without the aid and authority of parliament*; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That a sufficient number of printed copies of this act, and also of the schedule hereunto annexed, shall, as soon as conveniently may be after the passing hereof, be transmitted by *George White* esquire, one of the clerks of the house of commons, to the clerks of the peace of the several and respective counties, ridings, divisions, precincts, sokes, franchises, liberties, cities, and towns corporate, in *England* and *Wales*; and that the said several clerks of the peace shall, and they are hereby required, with all convenient speed, to cause the said act to be distributed among the acting justices of the peace within their respective limits, and also to cause a sufficient number of the schedule to this act annexed to be delivered to the high constable, or other proper officer who hath the execution of precepts from justices of the peace, within their respective limits, at the *Midsummer* quarter sessions of the peace, in the year one thousand seven hundred and eighty-six, or as soon after as conveniently may be, and also to the town clerks, or other proper officers, of every city, borough, town corporate, or place, in which quarter sessions of the peace are usually holden, situate in the county, riding, division, city, liberty, soke, franchise, town corporate, or place, for which the said clerks of the peace, or town clerks, shall respectively act; and the said clerks of the peace shall also receive the answers and returns made by the overseers of the poor, pursuant to the directions herein-after given, and transmit the same to the clerk of the parliaments with all convenient speed, in order that the same may be inspected by parliament, upon pain of forfeiting, for every neglect and default, a sum not exceeding ten pounds, nor less than five pounds, at the discretion of the justice or justices before whom complaint thereof shall be made.

Printed copies of this act to be transmitted to the clerks of the peace to be distributed amongst the justices, etc.

Returns made by the overseers to be transmitted to the clerk of the parliaments.

II. And be it further enacted, That the several justices of the peace, within their respective jurisdictions in *England* and *Wales*, shall, as soon as conveniently may be after the said *Midsummer* quarter session in the year one thousand seven hundred and eighty-six appoint a time and place, or times and places, which time or times shall be on or before the twentieth day of *October*, one thousand seven hundred and eighty-six, for the overseers of the poor of the several parishes, and also of the several townships and places which maintain their poor separately and distinctly from the parish at large within their respective juris-

Justices to appoint a meeting of overseers, between the Midsummer session and Oct. 20, 1786, to give in returns, etc.

dictions, to attend them at such meeting or meetings for the purposes of this act, with returns and answers to the questions stated in the schedule to this act annexed; and two or more of the said justices shall, and they are hereby required to cause notice thereof to be given to such overseers respectively, and also to the high constables, and, where there are no high constables, to such other proper officers who have the execution of precepts from justices of the peace to inferior officers, within such respective jurisdictions, requiring their attendance at such meetings for the purposes of this act.

Justices, at the meeting, to receive the returns, etc. and administer an oath to the overseers, etc.

III. And be it further enacted, That the said justices of the peace shall and they are hereby authorised and required, at such meeting or meetings so to be appointed by them as aforesaid, to receive and take the answers and returns to be made by the overseers of the poor, pursuant to the directions aforesaid, and then and there administer to them respectively the oath contained in the said schedule; and such justices, if they see cause, may examine such overseers upon oath, touching any of the matters contained in such questions and answers, and call for the accounts of the overseers of the poor for each of the three preceding years, if they shall see fit, in order to explain and verify the said accounts as shall be then made; and the said justices shall then deliver such answers and returns to the respective high constables or other proper officers as aforesaid, in order that the same may be by them transmitted to the clerks of the peace or town clerks, as herein is directed.

Duty of the high constable prescribed.

IV. And be it further enacted, That the said high constables, or other proper officers within the respective jurisdictions aforesaid, shall, at the *Midsummer* quarter sessions, in the year one thousand seven hundred and eighty-six, pursuant to the directions aforesaid, receive from the said clerks of the peace or town clerks the said printed schedules, and deliver, or cause to be delivered, one such schedule to one of the overseers of the poor of every parish, township, or place, as well within towns corporate as without, within their respective limits, and, when required by the respective justices of the peace as aforesaid, attend the said respective meetings, and then and there receive the several answers and returns made by the overseers of the poor, and indorse upon the back of each of them the name of the hundred, rape, wapentake, lathe, precinct, soke, franchise, liberty, city, or town corporate, wherein the said parish, township, or place, therein mentioned, is situate, and transmit the same, together with a true and perfect list of the names of the overseers of the poor of every parish, township, and place, to whom such schedule had been delivered as aforesaid, to the several clerks of the peace and town clerks, at the then next *Michaelmas* quarter sessions of the peace, or adjournment thereof, (which adjournment the justices at such quarter sessions are required to make to some convenient day, within seven days after the said twentieth day of *October*, in cases where such returns shall not be made at the *Michaelmas* quarter sessions); upon pain of forfeiture, for every default

Penalty for neglect.

default and neglect in the matters aforesaid, a sum not exceeding ten pounds, nor less than five pounds, at the discretion of the justice or justices of the peace before whom complaint thereof shall be made.

Overseers to deliver in writing, on oath, a return to the justices, etc.

V. And be it further enacted, That the overseers of the poor of every such parish, township, and place, shall, and are hereby required to attend the justices of the peace at such meeting or meetings, and then and there deliver to the said justices, signed by them, a just and true answer and return to the said questions, upon oath, as before directed, and at the same time produce to the said justices the assessments under which the money was collected, and the accounts of all the expences respecting the poor for each of the years for which such returns are to be made, for their inspection and examination; and that every overseer, making default in any of the matters hereby required, shall, for every such neglect and default, forfeit a sum not exceeding ten pounds, nor less than five pounds, at the discretion of the justice or justices, before whom complaint thereof shall be made: and, in order to enable the said overseers to make answers and returns as aforesaid, they are hereby authorised and empowered to call for, inspect, and take copies of the accounts of the overseers, for each of the said years, or so much thereof as shall be necessary, in whose hands soever they shall happen to be; and every person or persons, in whose custody or power every such account or accounts shall be, shall, and are hereby required to produce and deliver such respective accounts to the said overseers, for the purposes aforesaid, upon pain of forfeiting, for every default or neglect in the premises, a sum not exceeding ten pounds, or less than five pounds, at the discretion of the justice or justices before whom complaint thereof shall be made.

Penalty on neglect.

Overseers to take copies of the accounts of preceding overseers.

Penalty on refusing to deliver such accounts.

Persons making false returns, to forfeit 50l.

VI. And be it further enacted, That if any overseer, or person required to make any such return or returns as aforesaid, shall conceal any matter or matters, directed to be enquired into by the said schedule, or shall knowingly or wilfully make a false or imperfect return, every such overseer, or person so offending, shall, for every such offence, forfeit the sum of fifty pounds, to be recovered by bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, in the counties palatine of *Lancaster*, *Chester*, and *Durham*, or the great sessions in the principality of *Wales*.

Fees to be allowed for each return; viz.

VII. And be it further enacted, That there shall be paid and allowed, for the trouble and expences of the several persons employed in the transactions aforesaid, for every return which shall be so made and transmitted to the clerks of the peace and town clerks respectively, pursuant to the directions aforesaid, the sums following, and no more; *videlicet*:

To the clerk of the peace, of the peace, 1s.

To the clerk of the peace, or town clerk, for the return which shall be made from every parish, township, and place, the sum of one shilling:

High constable, 1s 6d.

To the high constable, or other proper officer, for the like, the sum of one shilling and sixpence:

Overseers, 2s.

To the overseers of the poor, for the like, the sum of two shillings:

Justices clerks, 1s.

To the clerks of the justices of the peace, for the like, the sum of one shilling:

And that the said justices of the peace, at their respective quarter sessions which shall be held next after *Michaelmas*, one thousand seven hundred and eighty-six, shall, and are hereby required to make an order upon their respective treasurers, to pay the same out of the rates to be made and collected for the respective counties, ridings, divisions, precincts, sokes, franchises, liberties, cities, and towns corporate.

Penalties how to be recovered and applied.

VIII. And be it further enacted, That the several forfeitures and penalties inflicted by this act shall, unless otherwise directed by this act, if not immediately paid, be levied by distress and sale of the offender's goods and chattels, by virtue of a warrant under the hand and seal of any justice of the peace having jurisdiction where such offender shall dwell, rendering to the said offender the overplus (if any) after the charge of such distress and sale shall be deducted; and in case sufficient distress shall not be found, then it shall be lawful for such justice to commit such offender to the common gaol, there to remain, without bail, or mainprize, for a term not exceeding twelve calendar months, unless the said forfeiture and charges shall be sooner paid; and the said forfeitures, when recovered, shall be paid and applied, one moiety to the informer, and the other moiety to the said respective treasurers, in aid of the rates aforesaid; and any person shall be deemed a competent witness, for the execution of any of the purposes of this act, notwithstanding his paying, or being liable to pay, to such county rates.

Persons making false oaths liable to the penalties of corrupt perjury.

IX. And be it further enacted by the authority aforesaid, That in case any person or persons shall wilfully and corruptly make a false oath touching any of the matters contained in this act, every such person so offending, and being thereof duly convicted, shall be, and is hereby declared to be, subject and liable to such pains and penalties as by any law now in being persons convicted of wilful and corrupt perjury are subject and liable to,

SCHEDULE.

SCHEDULE.

Questions, to which, by direction of an act, passed in the twenty-sixth year of the reign of his majesty King *George* the Third, (intituled, *An act for obliging the overseers of the poor, in the several parishes or places within that part of* Great Britain *called* England, *to make returns, upon oath, to certain questions specified therein, relative to the state of the poor,*) answers are to be returned by the overseers of the poor of every parish, township, and place, in writing upon oath, and signed by them; for which purpose the said overseers are to attend the justices of the peace within their respective jurisdictions, at such times and places as they shall appoint, on pain of forfeiting, for every default or neglect, a sum not exceeding ten pounds, nor less than five pounds.

Question 1st. What money was raised by assessments, for the relief of the poor, in the respective years ending at *Easter* 1783, 1784, and 1785?

2d. What number of poor received constant, and what number occasional relief, during each of the said three years, as near as you can ascertain the same?

3d. How much was paid out of the said money, in each of the said three years, for expences of overseers in journies and attendances on magistrates and others; and how much for entertainments at meetings of the inhabitants, on affairs relative to the poor?

4th. What payments were made out of the said money for law business, and for orders, examinations, certificates, and other proceedings respecting the poor, in each of the said three years?

5th. How much of the money collected under these assessments was applied for the payment of county rates, or any other, and what, purposes, that did not concern the poor?

6th. How much of the money so raised has been expended in providing materials and utensils for setting the poor to work?

ANSWERS

ANSWERS to the Questions contained in the Schedule annexed to the Act (intituled, *An Act for obliging Overseers of the Poor to make Returns, upon Oath, to certain Questions specified therein, relative to the State of the Poor*), returned by the Overseers of the Poor of the Parish [*&c. as the Case shall be*] of in the County [*&c. as the Case shall be*] of

Answers.	To 1st Question.	To 2d Question.		To 3d Question.		To 4th Question.	To 5th Question.		To 6th Question.	Remarks upon the 2d Part of the 5th Question.
For what Year.	Money raised by Assessment.	Poor who received constant Relief.	Poor who received occasional Relief.	Expences of Overseers in Journies and Attendances on the Magistrates.	Expences of Entertainments at Meetings of the Inhabitants.	Expences in Law Business, Orders, Examinations, Certificates, and other Proceedings respecting the Poor.	Amount of Money applied for County Rates.	Expended for other Purposes which did not concern the Poor.	Expended in providing Materials and Utensils for setting the Poor to Work.	
	£. s. d.	No.	No.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
1783.										
1784.										
1785.										

Here the Person making the Return must subscribe his Name.

Form of the Oath referred to by this Act.

YOU shall swear, That the answer and return now made by you to the several questions contained in the schedule hereunto annexed, is a full and true answer to the said questions, to the best of your knowledge, information, and belief.

CAP. LVII.

An act for the further regulation of the trial of persons accused of certain offences committed in the East Indies; *for repealing so much of an act, made in the twenty-fourth year of the reign of his present Majesty,* (*intituled,* An act for the better regulation and management of the affairs of the *East India* company, and of the *British* possessions in *India,* and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the *East Indies*), *as requires the servants of the* East India *company to deliver inventories of their estates and effects; for rendering the laws more effectual against persons unlawfully resorting to the* East Indies; *and for the more easy proof, in certain cases, of deeds and writings executed in* Great Britain *or* India.

Preamble. Recital of act 24 Geo. 3. c. 25.

WHEREAS, *by an act, made in the twenty-fourth year of his Majesty's reign, intituled,* An act for the better regulation and management of the affairs of the *East India* company, and of the *British* possessions in *India*; and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the *East Indies, divers provisions were made and enacted for the more effectually prosecuting and bringing to speedy and condign punishment the crime of extortion, and other misdemeanors, committed in the* East Indies *by* British *subjects, in the service of his Majesty, or of the said company; and particularly for constituting a special court of judicature for the trial of any information, to be exhibited in his Majesty's court of king's bench, against such offenders, under and by virtue of a commission, to be awarded under the great seal of* Great Britain, *directed to four members of the house of peers, six members of the house of commons, and three of the judges of his Majesty's courts of law at* Westminster, *such members and judges to be selected and chosen in the manner prescribed by the said act; and the said special commissioners, to be so constituted by such commission, or any seven or more of them, (of whom one of the said three judges was to be one), were, by the said act, invested with full power and authority to hear and determine every such information, and to pronounce judgement thereon, according to the effect of the judgement at common law, upon convictions had and obtained according to the course of the common law, for extortion or other misdemeanor: and whereas the selection of the members of the said respective houses of parliament, for the purposes aforesaid, may be rendered more easy and convenient: and whereas it is judged expedient, that, instead of seven, not less than ten commissioners to be*

constituted

conſtituted by ſuch commiſſion as aforeſaid, ſhould have authority to hear and determine any ſuch information, and, for that purpoſe, that a greater number of members of each houſe of parliament, than is directed by the ſaid act, ſhould, together with the ſaid three judges, be named and authoriſed as commiſſioners in and by ſuch commiſſion: and whereas it is alſo expedient, that, for giving greater vigour and efficacy to the proceedings and judgements of the ſaid ſpecial commiſſioners, further regulations ſhould be provided and eſtabliſhed: may it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the members of the houſe of lords, by the ſaid act directed to be named by the ſaid houſe for the purpoſes aforeſaid, ſhall be choſen, nominated, and appointed in the manner following, and no otherwiſe, any thing in the ſaid recited act contained to the contrary notwithſtanding; (that is to ſay), That, within the firſt thirty ſitting days of the houſe of lords in every future ſeſſion of parliament, the members of the ſaid houſe, or any of them, may reſpectively deliver in at the table, liſts incloſed in covers, ſealed up, and having the words *Eaſt India Judicature*, and their reſpective names or titles of honour, by which they are generally known and diſtinguiſhed, indorſed on the outſide thereof, in their reſpective proper hand writing; every ſuch liſt containing the names or titles of twenty-ſix peers; and that, on the firſt ſitting day after the expiration of the ſaid thirty days, the clerk of the parliaments, or his deputy or aſſiſtant, or ſuch other perſon as the ſaid houſe ſhall direct, ſhall prepare and lay upon the table of the ſaid houſe a liſt of the names or titles of the lords who ſhall, within the ſaid thirty days, have delivered ſuch liſts; and that, on the next ſitting day of the ſaid houſe, the ſaid covers ſhall be opened by the clerk of the parliaments, or his deputy or aſſiſtant, or ſuch other perſon as the ſaid houſe ſhall direct, by the order of the ſpeaker of the ſaid houſe, during the ſitting of the ſaid houſe, and all the liſts which ſhall be ſo delivered ſhall be taken out of the ſaid covers and put into a box; and the ſaid liſts ſhall be referred by the ſaid houſe to a committee, who ſhall examine the ſame, and within ſuch time as the ſaid houſe ſhall direct, report to the houſe the name or title of every lord whoſe name or title ſhall appear in ten or more of ſuch liſts; and if the names or titles of the reſpective members ſo returned ſhall not amount to twenty-ſix members at the leaſt, excluſively of ſuch of the members ſo returned as ſhall be ſtruck out of the ſaid liſts according to the directions of this act, the members of the ſaid houſe, or any of them, may, on any of the next ſeven ſitting days of the ſaid houſe, deliver in freſh liſts in covers ſealed up, and indorſed in the manner herein-before directed, each of ſuch liſts containing a number of names or titles of members of the ſaid houſe, equal to that number by which the liſt returned by the committee ſhall, excluſively of the members ſtruck out as aforeſaid,

Within the firſt 30 ſitting days of every ſeſſion, liſts of 26 names to be delivered in ſealed up, by the members of the upper houſe, from which ſhall be ſelected 26 peers;

said, fall short of twenty-six; and the said covers shall be opened, and the lists disposed of, referred, and proceeded upon after the end of the said seven days, in the manner herein-before directed in respect to the said former lists.

and in the same period, like lists of 40 commoners to be delivered in, from which shall be selected 40 members.

II. And be it further enacted by the authority aforesaid, That the members of the house of commons, to be named by that house for the purposes aforesaid, shall be chosen, nominated, and appointed in the manner following, and no otherwise, any thing in the said recited act contained to the contrary notwithstanding; (that is to say), That within the first thirty sitting days of the said house in every future session of parliament, the members of the said house, or any of them, may respectively deliver in at the table lists, inclosed in covers, sealed up, and having the words *East India Judicature*, and their respective names, indorsed on the outside thereof, in their respective proper hand writing, each of which lists shall contain the names of forty members of the said house; and that, on the first sitting day after the expiration of the said thirty days, the clerk of the said house, or his deputy or assistant, or such other person as the house shall direct, shall prepare, and lay upon the table, the names of all the members who shall have delivered such lists; and that on the next sitting day of the said house, the clerk of the said house, or any or either of such other persons as aforesaid, shall, at the table, during the sitting of the said house, by the order of the speaker, take the lists out of the said covers, and put the said lists together into a box; and the said lists shall be immediately referred, by the said house, to a committee, who shall examine the same, and within such time as the house shall direct, report to the house the name of every member whose name shall appear in twenty or more of the said lists; and if the names so returned shall not amount to forty at the least, exclusively of such of the said members therein named as shall be struck out of the said lists according to the directions of this act, the members of the said house, or any of them, may, on any of the next seven sitting days of the said house, deliver in at the table of the said house fresh lists, in covers, sealed up and indorsed in the manner herein-before directed, each list containing a number of names of members of the said house equal to that number by which the list returned by the said committee shall, exclusively of such of the said names as shall be so struck out, fall short of forty, and the said lists shall be opened, disposed of, referred, and proceeded upon, after the end of the said seven days, in the manner herein-before directed in respect to the said former lists: and the like order and course respectively as aforesaid shall be taken in each house of parliament, until the said numbers of twenty-six members of the house of lords, and forty members of the house of commons, shall have been returned to the said respective houses, by the committees to whom the said lists shall be referred, exclusively of such of the members so returned as shall be struck out of the said lists according to the directions of this act.

III. Pro-

Persons holding offices under the crown, during pleasure, &c. to be struck out of the lists.

III. Provided always, and be it enacted, That if any of the persons named in any of the lists returned by the said respective committees, shall appear to hold any civil office of profit under the crown, during his Majesty's pleasure, or to be, or to have been, a commissioner for the affairs of *India*, or to be, or to have been, a director of the said company, or to hold, or to have held, any office or employment in the service of the said company in *India*, the names of all and every such persons shall be struck out of the said lists, by the order of the said respective houses of parliament.

Mode of delivering in of lists left to the houses of parliament, if that proposed be found inconvenient.

IV. Provided also, and be it further enacted, That if the delivery of the said lists at the tables of the respective houses of parliament, in the manner directed by this act, shall occasion any interruption of other business, or be found inconvenient in any other respect, it shall be lawful for both or either of the said houses, by their order or orders, to substitute such other mode for the delivery of such lists as the said houses shall respectively think fit, and that the said lists shall, after the making of any such order or orders, be delivered according to the tenor and directions thereof respectively; any thing herein-before contained to the contrary notwithstanding.

The party accused may challenge 13 peers and 20 commoners contained in the lists, as the names are drawing by lot in the presence of the judges, according to the recited act.

V. And be it further enacted, That the names of the twenty-six peers and forty members of the house of commons, which shall have been so chosen by the said respective houses of parliament, or the names of the twenty-six peers and forty members of the house of commons, which (in case the said lists of both or either of the said houses shall happen to contain a greater number of members than as aforesaid, respectively) shall have been drawn by lot, according to the directions of the said former act, or of such of them as shall personally appear at the time and place appointed, in the manner by the said act directed, shall be put into a box, to be drawn by lot, in the presence of the judges, to be appointed according to the directions of the said recited act, and of the parties to the information to be tried, or their counsel or agents: and the person or persons against whom the said information shall have been exhibited, shall have the liberty, as the said names are drawn out, to make peremptory challenges, to the number of thirteen of the peers, and twenty of the members of the house of commons, whose names shall have been put into the said box; and his Majesty's attorney general, or other prosecutor, as the case may happen, and also the party or parties against whom such information shall have been exhibited as aforesaid, shall respectively have power to make challenges to any of the names which shall be so drawn out, and to assign for cause of challenge any such matter as, in the opinion of the three judges, or the majority of them, shall appear, in their discretion, sufficient to set aside the person or persons so challenged, for the purpose of obtaining equal justice: and the first five names of the said peers, and likewise the first seven names of the said members of the house of commons, which being drawn out shall not be so challenged, or against whom

Prosecutor may challenge the same number.

The first five peers, and the first seven

whom no challenge shall have been allowed, shall be returned by the said judges to the lord high chancellor, or lord keeper, or lords commissioners for the custody of the great seal of *Great Britain*, who shall cause the said five peers, and the said seven members of the house of commons, by their respective proper names or titles of honour, together with the names of the said three judges, to be inserted in the special commission to be issued by virtue of the said recited act, and of this present act; and the persons who shall be so named and authorised in and by the said commission, shall appear within ten days, at the time and place to be appointed by the said three judges, and shall then and there take the following oath, before the lord high chancellor, or lord keeper, or lords commissioners of the great seal of *Great Britain*, for the time being, or any one of them:

commoners, whose names shall be drawn out, and not challenged, to be, with the three judges, appointed special commissioners.

I A. B. *do swear, That, as a commissioner appointed by his Majesty's commission for the trial of the information now at issue against* C. D. *I will diligently attend such trial, and that I will hear and determine the same to the best of my judgement, according to the evidence which shall be given.*

So help me GOD.

Commissioners oath.

VI. And be it further enacted, That if, by reason of the challenges as aforesaid, the number of names so drawn out as aforesaid shall be reduced to lets than five peers and seven members of the house of commons respectively, then, and in such case, the said three judges shall forthwith certify the same to the speakers of the respective houses of parliament, who shall lay the same before the said houses respectively; and the said houses shall respectively proceed, within any of the next seven days on which the said houses shall respectively sit for the dispatch of business, to choose, nominate, and appoint twenty-six members of the house of lords, and forty members of the house of commons, after the manner and course aforesaid, the lists of which said respective members, so chosen and appointed, shall be transmitted to the clerk of the crown in his Majesty's high court of chancery, or his deputy, and be inserted in a new commission, to be issued in the manner herein-before and in the said former act directed: provided always, That no day on which the house of commons shall have adjourned, for want of the presence of a sufficient number of members to execute the provisions of the several acts passed in the tenth and eleventh years of the reign of his present Majesty, to regulate the trials of controverted elections or returns of members to serve in parliament, shall be accounted one of the sitting days of the said house, for any of the purposes of this act.

If challenger reduce the number to less than five peers and seven commoners, new lists to be made out.

VII. And be it further enacted, That the said special commissioners to be appointed as aforesaid shall have full power and authority to hear and determine every such information, and to pronounce judgement thereon according to the effect of the judgement of the common law, upon convictions had and obtained

Power of the commissioners.

tained according to the course of the common law, for extortion, or other misdemeanor, and also to declare the party so convicted incapable of serving the King's majesty, his heirs or successors, or the said united company, in any capacity whatever; and such judgement so pronounced by the said special commissioners as aforesaid, upon such information, shall be good and effectual, and shall be conclusive, to all intents and purposes; and no *Certiorari* shall be granted for removing the proceedings of the said special commissioners, on such information, into any court whatever; and the proceedings of the said special commissioners shall not be impeached, or the validity thereof questioned, in any action or suit, or other proceeding, in any court of law or equity.

Ten commissioners competent to act.

VIII. Provided always, and be it enacted, That all and every the powers and authorities given and granted by the said recited act, and by this present act, unto the said special commissioners, shall and may be executed by or before any ten or more of them (of whom one of the said three judges shall always be one); and that no act done or executed by or before the said commissioners, unless ten or more of the said commissioners (of whom one of the said three judges shall be one) shall be present at the doing or executing thereof (save and except in the particular cases herein-after specially provided) shall be valid or effectual; any thing in the said former act contained to the contrary notwithstanding.

Majority to determine, and the president to have a casting vote.

IX. Provided also, and be it further enacted, That whenever the said special commissioners shall not concur in opinion, upon any question or matter to be decided by or before them, every such question or matter shall be determined by the greater number of the said commissioners who shall be then present, so that the number of commissioners then present be not less than ten as aforesaid; and if the said commissioners shall at any time be equally divided in opinion, on any question or matter depending before them, the judge then sitting as president shall have two voices, or the casting vote.

If by death, or otherwise, the number should be reduced under ten, a new commission to be made out.

X. And be it further enacted, That if any of the said special commissioners shall depart this life, or be excused from attending in the manner by this act directed, before the said commission shall have been fully executed, so that there shall not be a sufficient number of commissioners to proceed in the due execution of such commission, according to the true intent and meaning of this act; or if all the said three judges shall happen to die, or be excused from attending in the manner by this act directed, whilst the said commission shall be depending; then, and in either of such cases, and from thenceforth, the said commission, and the force and effect thereof, shall cease, and a new commission shall be awarded for hearing the matter of such information, for which such former commission was issued, and the trial of such information shall begin *de novo*; save only and except with respect to the examinations or depositions of any witnesses (if any) which shall have been taken in writing under the

said former commission, which examinations or depositions shall and may be received and admitted as evidence under such new commission.

Commissioners to attend during the whole trial, unless absent by leave.

XI. And be it further enacted, That the said special commissioners shall severally attend in court during the whole trial for which they shall be appointed as aforesaid, and none of the said commissioners shall in any wise absent himself from the same (except as hereafter is provided); and the said court shall at no time proceed in the said trial until all the said special commissioners, not having obtained such leave of absence, or not having been excused as herein-after is provided, shall be met and assembled; and if the said special commissioners (except as aforesaid) shall not all meet and assemble within the space of one hour after the time to which they shall have adjourned, such of them as shall be then present, or the major part of them, shall make an order for a further adjournment of the trial, in which order the cause of such further adjournment shall be expressed, and a copy of such order, signed by the register to the said commissioners, shall be served upon, or left at the usual or last place or places of abode of, the said absent commissioner or commissioners respectively; and at such further adjourned meeting the cause of his or their absence shall be inquired into by the special commissioners who shall be then present, before the said commissioners shall proceed to any other business; and if it shall not be made appear, to the satisfaction of the said commissioners, by facts specially stated, and verified before them upon oath (or, in the case of such facts being verified by a peer of the realm, then upon his honour) that such absent commissioner or commissioners was or were, by sudden accident, or by necessity, prevented from attending at the said former sitting, it shall and may be lawful for the special commissioners then present, or the major part of them, to pass such censure upon such commissioner or commissioners who shall have been so absent, as they shall think fit, and also to impose upon such commissioner or commissioners respectively, for such neglect of duty, or upon any commissioner or commissioners who shall depart from the said court during the sitting, and before an adjournment thereof, such fine or fines as the said commissioners, or the greater number of them then present, shall think fit, so that no such fine shall exceed the sum of five hundred pounds; which fine or fines shall be forthwith estreated by one or more of the said three judges, into the court of exchequer, and the like process shall be awarded by the said court of exchequer, for levying the said fine or fines for his Majesty's use, as is usually awarded for the levying of other fines estreated into the said court of exchequer; and the said special commissioners shall also have full power and authority to order or declare, that any commissioner or commissioners, who shall be so censured, or on whom any such fine or fines shall be imposed, shall be disabled from acting in the further execution of such commission.

If all do not meet, the majority present may adjourn.

Cause of absence to be enquired into.

Absentees may be censured or fined, and disabled from acting.

How fines are to be levied.

Leave of absence may be

XII. Provided always, and be it further enacted, That it shall

granted to commissioners, who, however, are disqualified.

and may be lawful for the said commissioners, or the greater number of them, to grant leave of absence to any of the said commissioners, upon proof, to their satisfaction, of sickness or other urgent occasion; and such of the said commissioners who shall obtain leave of absence as aforesaid, and shall accordingly be absent during any part of such trial, shall be no longer capable of acting under such commission; any thing contained in the said former act, or in this act, to the contrary notwithstanding.

During a trial the commissioners not to adjourn for more than 24 hours, except on occasions herein specified.

XIII. Provided also, and be it further enacted, That after the trial of any information shall have commenced and been begun by and before the said special commissioners, the said commissioners shall sit every day, *Sunday*, *Christmas-day*, and *Good Friday*, only excepted; and the said commissioners shall never adjourn for a longer time than twenty four-hours, unless a *Sunday*, *Christmas-day*, or *Good Friday*, shall happen to intervene, in which case their adjournment shall not exceed twenty-four hours, exclusive of such *Sunday*, *Christmas-day*, or *Good Friday*: provided also, That if the number of the said special commissioners capable of acting in the execution of such commission, according to the directions of this act, shall, by death or otherwise, be reduced to ten, and any of such ten commissioners shall be prevented by sudden accident, or by necessity, from attending such trial, the said other commissioners, or the greater number of them, shall and may, at their discretion, adjourn and suspend the proceedings upon such trial, from time to time, as circumstances may require, so that any such adjournment shall not exceed three days, and the number of such successive adjournments shall not, in the whole, exceed ten adjournments; any thing herein-before contained to the contrary notwithstanding.

Commissioners may appoint clerks, &c. who may be removed, &c.

XIV. And be it further enacted, That it shall and may be lawful to and for the said special commissioners to constitute and appoint such clerks, tipstaffs, messengers, and other officers, to attend upon them in the execution of their said commission, and to do and perform all such matters and things as shall be ordered or given to them in charge by the said commissioners, as the said commissioners shall think fit; and such several clerks and other officers shall be diligently attendant upon, and subject and obedient to the said commissioners, and may be suspended, removed, or discharged, or be punished by fine or fines, to be imposed by the said commissioners, for any neglect of duty or disobedience, at the discretion of the said commissioners; which fines shall he estreated into his Majesty's court of exchequer, by one or more of the said three judges, and shall and may be levied and recovered, for his Majesty's use, by the process of the said court; and all and every of such clerks and other officers shall be paid, by the parties informant or informants, and defendant or defendants, named in such information, the same or the like fees and allowances as the respective officers attendant upon his Majesty's court of king's bench, upon trials of informations for misdemeanors prosecuted in the said court, are entitled to receive from the parties thereto, respectively, according to the stations

How clerks, &c. are to be paid.

and

and duties of such officers respectively.

Court of king's bench may issue out warrants for apprehending persons accused of extortion, etc. in the East Indies.

XV. And be it further enacted, That whenever an information shall be exhibited in the said court of king's bench, against any person or persons, for the crime of extortion, or other misdemeanor, committed in the *East Indies*, in every such case, upon a certificate from the coroner and attorney of our lord the king, (commonly called *The Clerk of the Crown* in the court of king's bench, or *The Master of the Crown Office* in the said court), or any or either of his sworn clerks in the said office, that such information hath been filed, (which information, in case the same shall be filed when the court of king's bench shall not be sitting, shall be considered as filed on the last day of the preceding term), it shall and may be lawful to and for the lord chief justice, or any of the other judges of the said court, at the instance of such prosecutor or prosecutors, to issue his warrant, under his hand and seal, directed to all sheriffs, mayors, bailiffs, constables, and other peace officers, and to such other person or persons as shall be named for that purpose by such prosecutor or prosecutors, for apprehending and attaching the party or parties defendant or defendants to such information; and if such party or parties shall escape or go into, reside, or be in any place within that part of *Great Britain* called *Scotland*, it shall and may be lawful for the sheriff or steward depute or substitute, or any justice of the peace of the county or place into which such party or parties shall escape or go, or in which he or they shall reside or be, to indorse his name on the said warrant; which warrant so indorsed shall be a sufficient authority to all persons to whom such warrant was originally directed, and also to all sheriffs officers, stewards officers, constables, and other peace officers of the said county or place, by the sheriff, steward depute or substitute, or justice of the peace whereof such warrant shall be so indorsed, to execute the said warrant in the same county or place, by apprehending the party or parties against whom such warrant shall have been granted, and to convey and bring such party or parties in safe custody before the said court of king's bench, or before the lord chief justice or any of the judges of the said court, to be further dealt with according to the directions of the said former act, and this present act.

Parties informed against to be committed, or to find bail.

XVI. And be it further enacted, That it shall and may be lawful to and for the party or parties against whom any such information shall be exhibited as aforesaid, (not being attached), to surrender himself or themselves in the said court of king's bench at any time during the sitting of the said court, to be dealt with according to the directions of the said former act, and this present act, or if the said court shall not be sitting, unto the said lord chief justice, or any other of the judges of the said court; and that when and so often as any such party or parties shall surrender himself or themselves out of court as aforesaid, or shall, during any vacation, or when the said court shall not be sitting, be attached and brought before the said lord chief justice, or other judge, under any warrant or attachment issued by virtue of

the ſaid former act or this preſent act, the ſaid lord chief juſtice, or other judge, ſhall and may order ſuch party or parties to ſtand committed to the priſon of the *Marſhalſea*, or to the tower of *London*, or to the gaol of *Newgate*, at the diſcretion of the ſaid lord chief juſtice or other judge, there to be detained until he or they ſhall be delivered by due courſe of law, or until he or they, together with two ſufficient ſureties, ſhall have entered into a recognizance unto the King's majeſty, his heirs and ſucceſſors, in ſuch ſum of money, and with ſuch condition for his appearance, and for ſubmitting to the judgement to be pronounced in and upon ſuch information, as the ſaid lord chief juſtice, or other judge, ſhall, in his diſcretion, order and direct. Provided always, That it ſhall and may be lawful for the ſaid commiſſioners to order any perſon in cuſtody, under the proviſions of this act, to be from time to time brought up and remanded in ſuch manner as to the ſaid commiſſioners ſhall ſeem meet.

Mode of proceeding when parties abſcond.

XVII. And be it further enacted, That when and ſo often as any party or parties, againſt whom any ſuch information as aforeſaid ſhall be exhibited, ſhall not be attached, or ſhall not have ſurrendered as aforeſaid, and proof ſhall be made, by any affidavit or affidavits, to the ſatisfaction of the ſaid court of king's bench, that ſuch party or parties is or are beyond the ſeas, or that, upon enquiry at his or their uſual place or places of abode, or laſt known place or places of reſidence in *Great Britain*, he or they could not be found, and that there is juſt ground to believe that ſuch party or parties is or are gone, or doth or do continue out of the realm, or doth or do otherwiſe abſcond, to avoid being attached to anſwer the matters charged in and by ſuch information; then, and in ſuch caſe, the ſaid court ſhall and may make a rule or order, directing and appointing ſuch party or parties to ſurrender himſelf or themſelves in the ſaid court, or to the lord chief juſtice, or one of the other judges of the ſaid court, at a certain day in and by ſuch rule or order to be limited and expreſſed, at the diſcretion of the ſaid court; and a copy of ſuch rule or order ſhall, within twenty days after the making thereof, be inſerted three ſeveral times in the *London Gazette*; and another copy of ſuch rule or order ſhall, within the time aforeſaid, be affixed in ſome conſpicuous and publick place in the *India houſe*: and if the ſaid party or parties ſhall not ſurrender himſelf or themſelves reſpectively, according to the tenor of ſuch rule or order, within the time therein to be limited for that purpoſe, or within ſuch further time as the ſaid court ſhall appoint or direct (which the ſaid court is hereby impowered to do, on application being made on the behalf of ſuch party or parties, if the ſaid court ſhall ſee cauſe), then, on proof being made of the publication of ſuch rule or order in manner aforeſaid, it ſhall and may be lawful for his Majeſty's attorney general, or other proſecutor, by rule and leave of the ſaid court (which rule and leave the ſaid court is hereby impowered to grant) to cauſe an appearance, and the plea of not guilty, to be entered for ſuch party or parties charged by the ſaid information; and

and the said information shall thereupon proceed as if the party or parties had appeared and pleaded not guilty thereto.

Notice of trial to be given.

XVIII. Provided always, and be it further enacted, That in all cases where the plea of not guilty shall be entered for the party or parties defendant or defendants to any information, by the prosecutor or prosecutors thereof, by virtue and according to the directions of this act, it shall be sufficient, in order to the hearing and determining of such information, for such prosecutor or prosecutors to give fourteen days notice of the day appointed for the trial thereof, by advertisement in the *London Gazette*; any law, usage, or practice, to the contrary notwithstanding.

Judgement to be pronounced by the commissioners, though the parties do not appear.

XIX. And be it further enacted, That if any party or parties charged by any such information as aforesaid, shall make default in his or their personal appearance, at the pronouncing of judgement, in the matter of such information, by and before the said special commissioners; it nevertheless shall and may be lawful for the said commissioners to pronounce judgement upon such information, in the same manner as if the said party or parties was or were personally present; and every such judgement shall be as valid, effectual, and conclusive, to all intents and purposes whatever, as if the said party or parties had been personally present at the pronouncing thereof; any law or usage to the contrary notwithstanding.

Parties during trial may be committed.

XX. And be it further enacted, That whenever the party or parties charged by any such information shall personally appear before the said special commissioners, on the hearing or trial thereof, it shall and may be lawful to and for the said special commissioners, at any time during the course of such trial, to order such party or parties to stand committed to the prison of the *Marshalsea*, or to the tower of *London*, or to the gaol of *Newgate*, at the discretion of the said special commissioners, there to be detained until judgement shall be pronounced in the matter of the said information, unless he or they shall be previously delivered or discharged by the rule or order of the said commissioners.

Disturbers of the court may also be committed.

XXI. And be it further enacted, That if any person or persons shall be guilty of any contempt or disturbance in the court of the said commissioners, during the sitting of the court, it shall and may be lawful to and for the said commissioners to order such person or persons to be taken into custody, by any officer or officers to be appointed by the said commissioners to attend the said court, and to stand committed to the prison of the *Marshalsea*, or the gaol of *Newgate*, at their discretion, to be there kept for such time as the said commissioners shall order and direct.

Judgements of the commissioners to be executed by the court of king's bench, and to be final.

XXII. And be it further enacted, That the judgements which shall be made and pronounced by the said special commissioners, according to the directions, and under the authority of the said recited act, and this present act, shall, when and so soon as the said judgements and other proceedings shall have been delivered over, by the register to the said commissioners, to the clerk of the

the crown in the ſaid court of king's bench, otherwiſe called *The Coronor and Attorney of our Lord the King*, or *The Maſter of the Crown Office* in the ſaid court), in the manner directed by the ſaid former act, be executed and enforced by the authority of the ſaid court of king's bench, and ſuch proceedings to outlawry, and other proceedings, againſt the ſeveral and reſpective defendants thereto, ſhall and may be had thereon, in the like manner as, according to the courſe and practice of the ſaid court, may be had upon judgement made and pronounced by the ſaid court; and the judgements of the ſaid ſpecial commiſſioners ſhall be final and concluſive, to all intents and purpoſes whatever, and ſhall not be arreſted, defeated, reverſed, or avoided, or liable to be arreſted, defeated, reverſed, or avoided, for or by reaſon or means of any error, defect, or want of form in any ſuch judgement, or in the information whereon the ſame ſhall be given or pronounced, or in the award of any proceſs thereon, or in the record of the iſſue for the trial thereof; any law, ſtatute, or uſage to the contrary notwithſtanding.

This, or the recited act, not to deprive perſons of any right they are entitled to by law, etc.

XXIII. Provided always, and be it further enacted and declared, That nothing in the ſaid recited act, or in this preſent act contained, ſhall extend, or be conſtrued to extend, to deprive the proſecutor or proſecutors of any ſuch information as aforeſaid, or the party or parties defendant or defendants thereto, of any right, liberty, benefit, or advantage, to which, by the law of the land, or the rules of practice of the court of king's bench, ſuch proſecutor or proſecutors, defendant or defendants, is or are, or would, could, or might have been intitled, upon any other information of a like nature, depending in the ſaid court of king's bench, before iſſue in fact joined therein; nor to prevent or reſtrict the ſaid court of king's bench from exerciſing any ſuch power or authority as would, could, or might have been legally exerciſed by the ſaid court of king's bench, in the matter of any ſuch information, before iſſue in fact joined therein, if the ſaid former act, or this preſent act, had not been made; any thing in the ſaid former act, or this preſent act, contained to the contrary notwithſtanding.

Mode of proceeding where demurrers are entered.

XXIV. Provided alſo, and be it further enacted, That if the party or parties charged by any ſuch information as aforeſaid, ſhall enter a demurrer to ſuch information, and ſuch demurrer ſhall be over-ruled by the ſaid court of king's bench, ſuch party or parties ſhall, within eight days next after the ſaid court ſhall have given judgement on ſuch demurrer, unleſs a writ of error ſhall be brought thereon, and then within eight days next after ſuch judgement ſhall be affirmed, or ſuch writ of error ſhall be nonpros'd, enter the plea of not guilty to ſuch information, or, in default thereof, the ſaid plea of not guilty ſhall and may be entered, for and in the name or names of ſuch party or parties, by his Majeſty's attorney general, or other proſecutor; and the ſaid information ſhall proceed in the like manner as if no demurrer had been entered thereto; any law, or the uſage or practice of the ſaid court, to the contrary notwithſtanding.

XXV. Pro-

XXV. Provided also, and be it further enacted and declared, That if his Majesty's attorney general, or other prosecutor or prosecutors of any such information, shall be desirous of having the same proceeded in, tried, and determined in the said court of king's bench, and shall move the said court for that purpose, then, and in every such case, the said court shall grant a rule or order for retaining such information in the said court, and the said information shall be accordingly retained by the said court of king's bench, and shall be heard, tried, adjudged, and determined by the said court of king's bench, in such and the same manner, to all intents and purposes, as an information of the like nature would, could, or might have been proceeded in, heard, tried, and determined, in and by the said court, in case the said former act or this present act had not been made; any thing in the said former act or this present act contained to the contrary notwithstanding. Informations may be determined in the court of king's bench.

XXVI. And be it further enacted, That whenever the party or parties, against whom any such information shall have been exhibited as aforesaid, shall be adjudged to pay a fine or fines to his Majesty, his heirs or successors; and also whenever any recognizance or recognizances entered into under the said former act or this present act, shall become forfeited, the said court of king's bench, or, in case the said court shall not be then sitting, the lord chief justice of the same court, shall and may forthwith, at the instance of his Majesty's attorney general, or other prosecutor, deliver to the lord chief baron, or any other of the barons of the court of exchequer, an estreat of the fine or fines, recognizance or recognizances, so adjudged or become forfeited respectively as aforesaid; and the said lord chief baron, or other of the said barons, shall thereupon, at the requisition of the said attorney general, or other prosecutor, authorise and direct the proper officer of the same court to award, and such officer shall accordingly forthwith award, under the seal of the same court, one or more special writ or writs of *extendi facias* and *capias*, or other special process, against the said party or parties adjudged to pay such fine or fines, or the principal or principals, and sureties, in such recognizance or recognizances respectively, and their lands, tenements, and hereditaments, goods, chattels, and effects, directed into such county or counties, cities, places, or liberties, to the proper sheriffs, or other officers of the same respectively, for the due execution thereof, as the said attorney general, or other prosecutor, shall desire or require in that behalf; and if such party or parties, or such principal or principals, and sureties, or any of them, shall have, or be seized or possessed of, or entitled to, any lands, tenements, or hereditaments, goods, chattels, estate, or effects, situate, lying, or being within that part of *Great Britain* called *Scotland*, or shall be resident in that part of the said united kingdom, then, and in either of such cases, his Majesty's court of exchequer in *Scotland*, or, when the said court shall not be sitting, the lord chief baron, or any other of the barons of the said court of exchequer in How fines, etc. are to be recovered.

in *Scotland*, upon a copy or transcript of the estreat of such fine or fines, recognizance or recognizances, being sent or transmitted into the same court, or delivered to the said lord chief baron, or any other of the barons of the same court, from and under the seal of the court of exchequer in *England*, or under the hand and seal of the lord chief baron, or any other of the barons thereof, (and which copy or transcript the said court of exchequer in *England*, or, when the said court shall not be sitting, the lord chief baron, or any other of the barons of the same court, is and are hereby required, at the instance of his Majesty's attorney general, or other prosecutor, to send and transmit accordingly), shall and may forthwith, at the instance of the said attorney general, or other prosecutor, carry on such proceedings, and award such and the like process and processes as is and are competent by the law of that part of *Great Britain* called *Scotland*, for recovery of debts due to the crown.

Mode of recovering fines from property in the East Indies, when the effects in Britain are insufficient.

XXVII. And be it further enacted, That if it shall at any time be made to appear, to the satisfaction of the said court of exchequer in *England*, at the instance of his Majesty's attorney general, or other prosecutor, by motion in the said court on his or their behalf, that such party or parties, principal or principals, or sureties, as aforesaid, or any of them, have no lands, tenements, or other estate or effects in *Great Britain*, or that the same (if any) are not sufficient to answer the sum or sums forfeited by such recognizance or recognizances, or due for such fine or fines, respectively, and that such party or parties, principal or principals, or sureties, or any of them, shall have, or be seized or possessed of, or entitled to, any lands, tenements, or hereditaments, goods, chattels, debts, estate, or effects, within any of the *British* possessions in the *East Indies*, respectively, (the said sum or sums, fine or fines, not being paid and satisfied), then, and in every such case, the said court of exchequer shall and may, by rule or order of the said court, cause one or more transcript or transcripts of the estreats of the said recognizance or recognizances, fine or fines, to be sealed with the seal of the said court, or to be otherwise attested, as the said court shall direct, and the same, so sealed or attested, shall be closed up under the seals of any two of the barons of the said court, directed to the supreme court of judicature in *Bengal*, and to the mayor's courts at *Madras* and *Bombay*, or to any or either of the said courts, as the case shall or may require; and the same shall be delivered by the said barons, or one of them, to such agent or agents as the prosecutor or prosecutors shall nominate or appoint for that purpose; which agent or agents (or, in the case of his or their death, the person into whose hands the same shall come), shall deliver such transcript or transcripts to one of the judges of the said supreme court, or mayor's courts, respectively, as the case may be or require, and make oath that he or they did receive the same from the hands of one of the said barons (or in what other manner the same came into his or their hands), and that the same

same hath not, or have not, been opened or altered since he or they so respectively received the same, (which oath any of the said judges of any of the said courts in *India* are hereby authorised and required to administer); and thereupon such transcript or transcripts shall be filed and recorded in such of the said courts in *India* to which the same shall be so directed, as the case may require; and, upon motion to be made in such courts or court for that purpose, for and on the behalf of such prosecutor, or prosecutors, the like process and proceedings shall and may, from time to time, be awarded and had, by and in the said supreme court of judicature, and the said mayor's courts at *Madras* and *Bombay*, respectively, or any or either of them, against the lands, tenements, or hereditaments, goods, chattels, debts, estate, and effects of the said party or parties, principal or principals, and sureties, within the limits of the jurisdictions of such respective courts in the *East Indies*, as might or could have been awarded or had in the said court of exchequer in *England*, against the lands, tenements, hereditaments, goods, chattels, debts, estates, and effects of the same party or parties, principal or principals, or sureties, in *England*; and the same shall be valid and effectual, any law, usage, or custom to the contrary notwithstanding.

Recital of act 24 Geo. 3. c. 25, sect. 88.

XXVIII. *And whereas it is by the said recited act enacted, That in all cases of informations laid or exhibited, by virtue of the said act, in the court of king's bench, for misdemeanors or offences committed in* India, *it shall be lawful for the said court to award a writ or writs of mandamus to the chief justice and judges of the supreme court of* Fort William, *or the judges of the mayor's court of any of the* British *settlements in* India, *as the case may require, who are thereby respectively authorised and required accordingly to hold a court for the examination of witnesses, and receiving other proofs concerning the matters charged in such informations respectively, and that such examination shall be then and there openly taken, and reduced into writing, in manner therein mentioned, and sent to his Majesty, in his court of king's bench, closed up, and under the seals of two or more of the judges of the said supreme court, and that one or more of the judges of the said supreme court shall deliver the same to the agent or agents of the party or parties requiring the same, which said agent or agents (or, in case of his or their death, the person into whose hands the same shall come) shall deliver the same to one of the clerks in court of his Majesty's court of king's bench, in the publick office, and make oath that he received the same from the hands of one or more of the judges of such court in* India *(or in what manner the same came into his hands), and that the same hath not been opened or altered since he so received the same: and whereas a doubt may arise, whether such examinations as may be taken by the judges of the mayor's court in any of the* British *settlements in* India, *by force and virtue of the said act, may be lawfully sent, closed up, under the seals of the same judges, and whether any one or more of the same judges is or are impowered to deliver the same to the agent or agents of the party requiring the same*; be it therefore enacted, That every examination

Examinations in India to be

sealed up and given to the agents of the parties, to be delivered to the clerks of the king's bench.

tion which shall or may be had or taken by the judges of the mayor's court of any of the *British* settlements in *India*, by force and virtue of the said act (being reduced into writing, as in the said act is directed or mentioned) shall be sent to his Majesty, in his court of king's bench, closed up, and under the seals of two or more of the judges of the mayor's court of any of the *British* settlements in *India*, and one or more of the judges of the same court shall deliver the same to the agent or agents of the party or parties requiring the same; which said agent or agents (or, in case of his or their death, the person into whose hands the same shall come) shall deliver the same to one of the clerks of his Majesty's court of king's bench, in the publick office, and make such or the like oath as is in and by the said act directed and prescribed; any thing in the said act contained to the contrary notwithstanding.

Persons resident in India amenable to the courts there.

XXIX. And be it further enacted, That as well the servants of the said united company, as all other of his Majesty's subjects resident or to be resident in *India*, shall be, and are hereby declared to be amenable to the courts of oyer and terminer and gaol delivery, and courts of general or quarter sessions of the peace, in any of the *British* settlements in *India*, for all murders, felonies, homicides, manslaughters, burglaries, rapes of women, perjuries, confederacies, riots, routs, retainings, oppressions, trespasses, wrongs, and other misdemeanors, offences, and injuries whatsoever, by them done, committed, or perpetrated, or to be by them hereafter done, committed, or perpetrated, in any of the countries or parts of *Asia*, *Africa*, or *America*, beyond the *Cape of Good Hope*, to the *Streights of Magellan*, within the limits of the exclusive trade of the said united company, whether the same shall have been done, committed, or perpetrated, or shall hereafter be done, committed, or perpetrated, against any of his Majesty's subjects, or against any other person or persons whatever.

Governor, etc. of Fort Saint George, etc. to have jurisdiction in all matters civil and criminal.

XXX. And be it further enacted and declared, That the governor or president and council of *Fort Saint George*, for the time being, in their courts of oyer and terminer and gaol delivery, and quarter or general sessions of the peace, and also the mayor's court at *Madras*, according to their several and respective judicatures, shall have cognizance and jurisdiction, as well civil as criminal, over all *British* subjects whatsoever, who now reside or shall hereafter reside within any of the forts, factories, towns, lands, or territories, in the possession of the said united company, on the coast of *Coromandel*, or in any other part of the *Carnatic*, or in the five northern circars, including those parts of the said circars which lie within the kingdom or province of *Orixa*, or within any of the dominions or territories of the soubah of the *Deckan*, the nabob of *Arcot*, or the rajah of *Tanjore*.

So much of recited act as relates to delivery of in-

XXXI. And be it further enacted, That so much of the said recited act as requires or directs any person or persons now being, or who may hereafter be, in the service of the said united company

company in *India*, to deliver any particular or inventory of his or their lands, tenements, goods, chattels, debts, securities for money, and other real and personal estate and property, or as subjects any such person or persons to any pain, penalty, or forfeiture for any neglect or omission therein, or for any untrue specification of his or their estates or properties, or as directs any allowance or reward to be made or given to any person making discovery of any estate or property concealed, or not specified, disclosed, or described, by any such particular or inventory as aforesaid, shall be, and the same is hereby repealed. Inventories of effects, etc. repealed.

XXXII. *And whereas sundry acts of parliament have been heretofore made, and are now in force, for securing the whole, sole, and exclusive trade in, to, and from the* East Indies, *and all places between the* Cape of Good Hope *and the* Streights of Magellan, *to the said united company, by which said acts, or some of them, the offenders against the same are made subject and liable to divers punishments, forfeitures, and penalties in the said acts respectively mentioned, which offences may be prosecuted, and the said forfeitures and penalties sued for and recovered, in some or one of his Majesty's courts of record at* Westminster: *and whereas it may be necessary and proper, in certain cases, that the said offences should be prosecuted, and the said forfeitures and penalties sued for and recovered, in the courts of justice in the* East Indies: be it therefore enacted, That all offences which shall be committed after the first day of *January*, one thousand seven hundred and eighty-seven, against any law now in force for securing the exclusive trade in, to, and from the *East Indies*, and places aforesaid, to the said united company, and all forfeitures and penalties to be incurred after the said first day of *January*, one thousand seven hundred and eighty-seven, for illicitly trading or for being in the *East Indies*, or doing any other act against the said laws or statutes, or any of them, shall and may be prosecuted, sued for, and recovered in the supreme court of judicature at *Fort William* in *Bengal*, or in the respective mayor's courts of *Fort Saint George* and *Bombay*, in like manner as the same can or may be prosecuted, sued for, and recovered in any of his Majesty's courts of record at *Westminster*; and it shall and may be lawful for the said respective courts in the *East Indies* to pass and give the like judgement, in such prosecutions, actions, and suits, as might be passed and given, for the like matter, cause, or thing, in any of his Majesty's courts of record at *Westminster*, and to carry such judgements into execution, and to order any offender or offenders, after conviction for any such offence, to be sent and conveyed to *Great Britain*; any thing contained in any of the said acts to the contrary notwithstanding. From Jan. 1, 1787, offences against the laws for securing the East India trade may be tried in the East Indies.

XXXIII. And be it further enacted, That when any ship, vessel, goods, merchandize, or other effects, shall be seized in the *East Indies*, or other parts within the limits of the said company's exclusive trade, under the authority or for the use of the said united company, for or by reason of any forfeiture incurred, or suggested to have been incurred, by the owner or owners Causes of seizure may be determined in the East Indies.

owners thereof, under any of the laws or statutes aforesaid, it shall and may be lawful to and for the said supreme court, or either of the said mayor's courts, to hear and determine the cause of such seizure, or any matter of complaint concerning the same, and to proceed to condemnation or restoration of the property and effects so seized, and to give judgement thereon, and to carry such judgement into execution, in like manner as his Majesty's court of exchequer could or might have done, if such seizure had been made in any port or place in *England*; any law or statute to the contrary notwithstanding.

Persons whose licences have expired, subject to the penalties of unlicensed persons.

XXXIV. *And whereas doubts have arisen, whether such persons resident within the limits of the said company's exclusive trade, whose licences shall have expired, or who shall have ceased to be employed in the service of the said company, are subject to the several regulations provisions, penalties, and forfeitures, by any act or acts of parliament made or imposed touching such persons as shall go to, traffick, trade, or adventure in, or be or be found within the limits aforesaid, contrary to the prohibitions and restrictions in the said several acts contained*; be it enacted by the authority aforesaid, That all and every person and persons whose licence or licences to go to, or trade, traffick, or reside within, the limits aforesaid, shall have ceased and determined, or who shall have been dismissed from, or resigned the said company's service, and shall be found within the limits aforesaid after such time as shall be allowed by the governor and council of the respective presidencies in *India* wherein such person or persons shall be found, shall be deemed and taken, to all intents and purposes, to be subject to all the provisions, regulations, penalties, and forfeitures by any act or acts made or imposed upon any person or persons who shall repair, sail, or go to, or traffick, trade, or adventure in, or be or be found in any place within the limits aforesaid, without licence having been obtained from the said company, or without having been in the said company's service.

Powers of seizing, etc. unlicensed persons and ships, may be exercised by the governor, etc. of Bengal, etc.

XXXV. And be it further enacted, That the powers and authorities in and by the said acts, and every or any of them, given, granted, or provided, for taking, arresting, seizing, remitting, sending, or bringing to *England*, any person or persons being in the *East Indies*, or in the limits or parts aforesaid, contrary to the provisions of the said acts, or of this act, and for seizing any ships, vessels, goods, or effects, made liable to seizure by the said company by any law now in force, shall and may be enforced and put in execution by, or by the order and authority of the governor general and council of *Bengal*, or the president and council of *Fort Saint George* and *Bombay*, respectively, or by any resident at any other of the *British* settlements in the *East Indies*, for the time being, respectively, or by, or by the order and authority of the company's council of supercargoes for the time being, at the town or factory of *Canton*, within the said town or factory, and upon the river of *Canton*, and by such other person or persons as shall, from time to time, be specially deputed and authorised for that purpose by the court

court of directors of the said company for the time being, in the name of the said company.

Persons to whom notice to remove has not been given, may continue in the Indies till Jan. 1, 1788.

XXXVI. Provided always, nevertheless, and be it enacted and declared, That no person now being in the *East Indies*, or other parts within the limits of the company's exclusive trade, and who shall not have had notice given to him, by the order or authority of the said court of directors, or by the governor general and council of *Fort William*, or the governor or president and council of *Fort Saint George* or *Bombay*, before the passing of this act, to remove or withdraw himself from the said parts and limits, shall, before the first day of *January*, one thousand seven hundred and eighty-eight, be liable to be arrested, seized, or brought to *England*, under the authority of this act, on account of his going to, or trading, trafficking, residing, or being found in the *East Indies*, or parts aforesaid, without licence or other lawful authority in that behalf; to the intent that every such person may have a reasonable time to settle and adjust his private affairs; any thing in this act, or in any other act, contained to the contrary notwithstanding: provided also, That it shall and may be lawful to and for the governor general and council of *Fort William*, and the governor and council of *Fort Saint George* and *Bombay*, and the resident at *Fort Marlborough*, within their respective presidencies or limits, to grant licences, in their discretion respectively, under their hands and seals, to any of his Majesty's subjects now resident, in the presidencies or places aforesaid, for permitting such subjects respectively, or any of them, to remain and continue to trade or reside within the said presidencies, or other places aforesaid, (such person or persons not being, by reason of his or their holding any office or employment, offices or employments, or in any other manner, disabled, or prohibited from trading in the *East Indies*, or parts aforesaid, by any act or acts now in force), for any term not exceeding two years, to be computed from the first day of *January*, one thousand seven hundred and eighty-seven, the persons receiving such licences first entering into the like covenants as are usually entered into by persons licensed by the said company, or such other reasonable covenants as shall be directed by the court of directors of the said company for the time being; and that all and every of such licences shall be of the same force and effect, during the term for which the same shall be so lawfully granted, (unless the same shall be sooner revoked by the said court of directors, or by the governors and councils of the said respective presidencies in *India*, who are hereby authorised, in their discretion, to revoke and determine the same), as if such licences had been granted under the seal of the said company; any thing in this act, or in any former act, contained to the contrary notwithstanding.

Governors, etc. may grant licences for two years from Jan. 1, 1787.

XXXVII. And be it further enacted, That if any suit or action shall be brought or commenced against the said company, or any of their servants, or against any persons acting by their

their authority, for the recovery of any costs or damages for the unlawful taking, arresting, seizing, imprisoning, sending, or bringing to *England*, of any person or persons found in the *East Indies*, or other parts aforesaid, within the limits of the said company's exclusive trade, or as not being authorised to reside or traffick there, the defendant or defendants to such suit or

General issue. action shall and may plead the general issue, and give the special matter in evidence, for his or their defence; and the proof shall lie on the plaintiff or plaintiffs, upon the trial of the issue, to shew that at the time or times of arresting or seizing such person or persons respectively, for the cause aforesaid, in the manner in which the same shall be laid or charged to have been done, in and by the declaration or declarations in such suits or actions, the person or persons so arrested or seized was or were in the military or marine service of the King's majesty, his heirs or successors, or was or were under covenant to serve the said company in *India*, or was or were duly possessed of a licence or licences in writing, authorising him or them to go to or reside and traffick in *India*, or other the said parts and limits, or that the person or persons (not being in his Majesty's service) was or were, at the time or times of his or their being so seized or arrested, entitled or authorised, by the stipulations of such covenants or licences respectively, to remain and continue in *India*, or other the parts and limits aforesaid; and in failure of such proof, the plaintiff or plaintiffs shall become nonsuited, and in such case, or in any other case wherein the plaintiff or plaintiffs in any such suit or action shall become nonsuited, or wherein judgement shall be given against such plaintiff or plaintiffs upon demurrer, or where a verdict shall pass for the defen-

Treble costs. dant or defendants, the defendant or defendants shall have treble costs awarded, to be paid by the respective plaintiff or plaintiffs in such suit or action; any law, statute, or provision, to the contrary notwithstanding.

XXXVIII. *And whereas great difficulties, expence, and delay, often arise in giving proof in* Great Britain, *of the execution of bonds, and other deeds and writings, executed and witnessed by persons resident in the* East Indies; *and the like difficulties, expence, and delay, also arise in giving proof in the* East Indies, *of the execution of bonds, and other deeds and writings, executed and witnessed by persons resident in* Great Britain; *for remedy thereof*, be it enacted, That whenever any bond, or other deed or writing, exe-

Bonds executed in the East Indies shall be evidence in Britain, and contrariwise, on proof of the hand writing of the parties. cuted in the *East Indies*, and attested by any person or persons resident there, shall be offered in evidence in any of the courts of justice in *Great Britain*, it shall be sufficient to prove, by one or more credible witness or witnesses, that the name or names subscribed to such bond, deed, or writing, purporting to be of the hand or hands writing of the obligor or obligors to such bond, or of the party or parties to such deed or writing, is or are of the proper hand writing or hands writing of such obligor or obligors, party or parties, respectively, and that the name or names set and subscribed of the witness or witnesses attesting the execution

execution of the same, respectively, is or are of the proper hand or hands writing of the witness or witnesses so attesting the same, and that such witness or witnesses is or are resident in the *East Indies*; and, in like manner, all courts of justice in the *East Indies* shall admit the like proof of the execution of bonds and other deeds and writings executed in *Great Britain*, and witnessed by any person or persons resident in *Great Britain*: and such proofs shall be deemed and taken to be as valid and sufficient evidence of the due execution of such bonds, and other deeds and writings, as if the witness or witnesses thereto was or were dead.

Publick act.

XXXIX. And be it further enacted, That this act shall be deemed and taken to be a publick act, and shall take place and have commencement in *Great Britain*, immediately after the same shall have received his Majesty royal assent; and shall take place and have commencement in and throughout the *East Indies*, and parts within the limits of the exclusive trade granted to the said company, from the first day of *January*, one thousand seven hundred and eighty-seven.

Commencement thereof.

CAP. LVIII.

An act for procuring, upon oath, returns of all charitable donations, for the benefit of poor persons, in the several parishes and places within that part of Great Britain *called* England.

Preamble.

WHEREAS *it is proper that the legislature, who are directing inquiries into the state and condition of the poor, should be informed of the several charitable donations for the use and benefit of poor persons; which information cannot be effectually obtained without the aid and assistance of parliament:* may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same,

Printed copies of this act to be transmitted to the clerks of the peace, to be distributed amongst the high constables, etc.

That a sufficient number of printed copies of this act, and also of the schedule hereunto annexed, shall, as soon as conveniently may be after the passing hereof, be transmitted, by *George White* esquire, one of the clerks attending the house of commons, to the clerks of the peace of every county, riding, division, city, liberty, soke, franchise, town corporate, and place, having clerks of the peace, in *England* and *Wales*; and that the said several clerks of the peace shall, and they are hereby required, with all convenient speed, not exceeding fourteen days after receiving the same, to cause a sufficient number of the schedule to this act annexed to be delivered, together with a printed copy of this act, to every high constable, or, where there shall be no high constable, to such other proper officer who hath the execution of precepts from justices of the peace within such respective jurisdictions, and also to the town clerks or other proper officers of every city, borough, town corporate, or place, in which quarter sessions of the peace are usually

usually holden, situate within the county, riding, division, city, liberty, soke, franchise, town corporate, and place, for which the said clerk of the peace or town clerk shall respectively act; and the said clerks of the peace and town clerks shall, and are hereby required to receive the same, and also to receive the answers and returns to be made by the ministers and churchwardens, or other persons, pursuant to the directions herein-after given: and the said town clerks and other officers shall, as soon as conveniently may be after receiving the said answers and returns, subscribe and deliver the same to the said several clerks of the peace from whom they received the schedule; and the said several clerks of the peace shall transmit such answers and returns to the clerk of the parliaments, with all convenient speed, in order that the same may be inspected by the parliament, upon pain of forfeiting, for every neglect or default, a sum not exceeding ten pounds, nor less than five pounds, at the discretion of the justice or justices before whom complaint thereof shall be made.

Returns made by the ministers and churchwardens to be transmitted to the clerk of the parliaments.

Duty of the high constables, etc. prescribed.

II. And be it further enacted, That the said high constables, town clerks, or other proper officers so described as aforesaid, shall receive from the said clerks of the peace the said acts and printed schedules, and shall, within seven days after the receipt thereof, attend two or more of the justices of peace acting within their respective limits, with some of the said printed schedules, and at the same time produce, shew, and deliver to each of such justices one of the said printed acts and schedule, in order that they may appoint a convenient time and place for the meeting herein-after directed; and the said justices are hereby required to appoint the same, and to sign the precept contained in the said schedule, as herein-after mentioned; and the said high constables, or other proper officers, after receiving such precept, shall fill up the blank in the precept, in every schedule, directing the time and place of the meeting, in like manner as they shall be appointed and filled up by the said justices, and shall, with all convenient speed, deliver, or cause to be delivered, one or more of such schedule to the rector, vicar, or officiating minister, and also to the churchwarden or churchwardens, chapelwarden or chapelwardens, in every parish, township, or place, within their respective limits, and in places where there are no minister, churchwarden, or chapelwarden, to the overseer or overseers of the poor for such parish, township, or place, if any, and if there shall be no such overseer, to some substantial householder residing within the same, and shall also deliver to every such minister one of the printed copies of this act; and the said high constables, or other proper officers, shall subscribe their names at the foot of the precept contained in the said schedule, under the words there written for that purpose, before they deliver the same; and shall attend the said respective meetings so to be appointed by the justices, and then and there produce the said act, and receive the several answers and returns made by the minister and churchwarden, or other person before described, and indorse upon the back of each of them the name

name of the hundred, riding, division, rape, wapentake, lathe, precinct, soke, franchise, liberty, city, or town corporate, wherein the said parish, township, or place, therein mentioned, is situate, and transmit the same, together with a true and perfect list of the names of the minister and churchwarden or chapelwarden, overseer and householder, of every parish, township, and place, to whom such schedule had been delivered by them respectively as aforesaid, to the several clerks of the peace, at the then next *Michaelmas* quarter sessions of the peace, or the adjournment thereof, (which adjournment the justices at such *Michaelmas* quarter sessions of the peace are required to make to some convenient day within one calendar month after such *Michaelmas* quarter sessions, in cases where any such return shall not be made at the said *Michaelmas* quarter session); and every such high constable, or other proper officer, shall forfeit, for every default or neglect in the premises, a sum not exceeding ten pounds, nor less than five pounds, at the discretion of the justice or justices before whom complaint thereof shall be made.

Justices to appoint a day prior to Oct. 15, 1786, for the attendance of ministers and churchwardens.

III. And be it further enacted, That the several justices of the peace, within their respective jurisdictions, to whom such schedule shall have been delivered as aforesaid, shall, as soon as conveniently may be after receiving the same, and seeing the act, appoint a time and place, or times and places, (which time or times shall be before the fifteenth day of *October*, one thousand seven hundred and eighty-six), for the rector and vicar, or, in their absence, for the officiating minister and churchwarden or chapelwarden, or for the overseer or substantial householder, where there shall be no churchwarden or chapelwarden as aforesaid within their respective jurisdictions, to attend them at such meeting or meetings for the purposes of this act, with returns and answers to the questions stated in the said schedule; and two or more of the said justices shall, and are hereby required to cause notice in writing to be given of such meeting to such minister, and churchwardens or chapelwardens, overseers, or householder, respectively, by their precept, as hereinbefore directed, twenty-eight days at least before the day to be appointed for such meeting, requiring their attendance at such meeting for the purposes of this act; which precept shall be in the form or to the effect contained in the said schedule.

Ministers, etc. at such meeting to give in a written return upon oath.

IV. And be it further enacted, That the minister and churchwarden, chapelwarden, overseer, or householder, as aforesaid, of every such parish, township, and place, shall, and are hereby required to attend the justices of the peace at such meeting or meetings, and then and there deliver to the said justices in writing, signed by them, upon oath, a just and true account of all charitable donations which have been, according to the best of their knowledge and information, given, by deed or will, for the benefit of poor persons, within their respective parishes or places, distinguishing, as far as they are able, by whom, when, and in what manner, and for what purpose, given; likewise, whether

whether such respective donations were in land or money, and in whom now vested, and what is the annual produce thereof, respectively; by way of answer and return to the said questions, as before directed.

Justices to receive returns, etc. and administer an oath to the minister, etc.

V. And be it further enacted, That the said justices of the peace shall, and they are hereby also required, at such meeting or meetings so to be appointed by them as aforesaid, to receive and take the answers and returns to be made by the minister and churchwardens, or chapelwardens, overseers, and householders, respectively, pursuant to the directions aforesaid, and then and there administer to them respectively the oath contained in the said schedule; and such justices, if they see cause, may, and they are hereby authorised to examine such minister, churchwarden, chapelwarden, overseer, and householder, respectively, upon oath, touching any of the matters contained in such questions and answers; and the said justices shall then deliver such answers and returns to the respective clerks of the peace, or town clerks, pursuant to the directions aforesaid, in order that the same may be transmitted to the clerk of the parliaments, as is herein directed.

Penalty on ministers, etc. for neglect.

VI. And be it further enacted, That every minister and churchwarden, or chapelwarden, overseer, or householder, as aforesaid, making default in any of the matters hereby required, shall, for every such neglect or default, forfeit a sum not exceeding ten pounds, nor less than five pounds, at the discretion of the justice or justices before whom complaint thereof shall be made.

Act to be read at the Midsummer quarter sessions whereever holden, and in every parish church the Sunday next after July 31, 1786.

VII. And be it further enacted, That this act shall be publickly read, in open court, at the next *Midsummer* quarter sessions of the peace, in every county, riding, division, city, liberty, soke, franchise, town corporate, and place, where any general quarter sessions of the peace shall be holden, and also by the officiating minister, in every parish church or chapel in that part of *Great Britain*, called *England*, the first *Sunday* on which divine service shall be performed after the thirty first day of *July*, one thousand seven hundred and eighty-six, immediately after such service; and that in case any person or persons seised or possessed of any land or money which had, at any time before the said thirty-first day of *July*, been conveyed or given, by deed or will, to or for the use or benefit of any poor person or persons, shall wilfully neglect to make discovery thereof, on or before the thirtieth day of *September* now next ensuing, to the minister, churchwarden, chapelwarden, overseer or householder, of the parish or place where the persons live who are the objects of such charity, he, she, or they so neglecting shall forfeit, for every such neglect, a sum equal to one half of the value of the land or money so given as aforesaid, to be recovered by action, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, in the courts of great session in *Wales*, or in the courts of the counties palatine of *Chester*, *Lancaster*, and *Durham*; one moiety of the said penalty or forfeiture to go to

Penalty on persons not making a discovery of lands or money in their hands, left for charitable purposes, prior to Sept. 30, 1786.

the informer, or person suing for the same, and the other moiety to his Majesty, his heirs and successors, for such uses and purposes as he or they shall in their great wisdom direct.

VIII. And be it further enacted, That there shall be paid and allowed, for the trouble and expence of the several persons employed in the transactions aforesaid, for every return which shall be so made and transmitted to the clerk of the peace pursuant to the directions aforesaid, the sums following, and no more; *videlicet*:

Fees to be allowed for each return.

To the clerk of the peace, for the return which shall be made from every parish, township, or place, the sum of one shilling:

To the clerk of the peace, 1s.

To the high constable, town clerk, or other proper officer, for the like, the sum of one shilling and sixpence:

High constable, &c. 1s. 6d.

To the clerk of the justices of the peace, for the like, the sum of sixpence.

Justices clerk, 6d.

And that the justices of the peace, at their respective quarter sessions which shall be holden next after *Michaelmas*, one thousand seven hundred and eighty-six, shall, and are hereby required to make an order upon their respective treasurers, to pay the same out of the rates to be made and collected for the respective counties, ridings, divisions, precincts, sokes, franchises, liberties, cities, towns corporate, or places, herein-before mentioned.

IX. And be it further enacted, That the several forfeitures and penalties inflicted by this act, where the method for recovering thereof is not hereby particularly directed, if not immediately paid, shall be levied by distress and sale of the offender's goods and chattels, by virtue of a warrant under the hand and seal of any justice having jurisdiction where such offender shall dwell, rendering to the said offender the overplus (if any), after the charge of such distress and sale shall be deducted; and in case sufficient distress shall not be found, then it shall be lawful for such justice to commit such offender to the common gaol, there to remain, without bail, or mainprize, for a term not exceeding twelve calendar months, nor less than six calendar months, at the discretion of such justice, unless the said forfeitures and charges shall be sooner paid; and the said forfeitures and charges, when recovered, shall be paid and applied, one moiety to the informer, and the other moiety to the said respective treasurers, in aid of the rates aforesaid; and any person shall be deemed a competent witness, for the execution of any of the purposes of this act, notwithstanding his paying or being liable to contribute to such rates.

How penalties are to be recovered and applied.

X. And be it further enacted, That in case any person shall wilfully and corruptly make a false oath, touching any of the matters contained in this act, and be thereof duly convicted, he shall be, and is hereby declared to be subject and liable to such pains and penalties as by any law now in being persons convicted of wilful and corrupt perjury are liable to.

Persons making false oaths liable to the penalties of corrupt perjury.

SCHEDULE.

Questions, to which answers are to be returned, by virtue of an act, passed in the twenty-sixth year of the reign of his majesty King *George* the Third, intituled, *An act for procuring returns, upon oath, of all charitable donations, for the benefit of poor persons, in the several parishes or places within that part of* Great Britain *called* England.

Question the 1st. What charitable donations have been given, by deed or will, for the benefit of poor persons, within your parish [*or* place]; by whom, when, in what manner, and for what particular purpose, were they given, to the best of your knowledge, information, and belief?

Question the 2d. Were the said respective donations in land or money; in whom are they now vested, and what is the annual produce thereof respectively, to the best of your knowledge, information, and belief?

Form of the Oath.

YOU shall swear, That the answers and return now made by you, to the questions contained in the schedule hereunto annexed, are full and true answers to the said questions, to the best of your knowledge, information, and belief.

The RETURN to be annexed to the schedule, and indorsed by the high constable, town clerk, or other proper officer, receiving returns from the justices: Thus;

ANSWERS returned to the questions in the schedule annexed, from the parish [*or* place] of in the hundred [rape, wapentake, lathe, precinct, soke, franchise, liberty, division, city, town corporate, *or* place] of [*as the case may be*] the day of

ANSWERS to the First Question.

Name of the Person who gave the Charity.	When given.	Whether by Will or Deed.	For what Purpose given.

ANSWERS

ANSWERS to the Second Question.

Whether in Land or Money.	In whom now vested.	Amount of in Money.			Annual Produce.		
		£.	s.	d.	£.	s.	d.

PRECEPT to the high constable, *etc.* [*as the case shall be*] appointing a day and place for taking the answers and returns, and requiring the attendance of the minister and churchwardens, *etc.*

County, etc. of to wit. } To the constable [*or* town clerk, *etc.*] of [*or*] within the hundred, [division, liberty, city, *or* town, *as the case may be*] of in the said county, *etc.* [*as the case shall be*].

IN order to carry into execution an act, made in the twenty-sixth year of the reign of his majesty King *George* the Third, for procuring returns, upon oath, of all charitable donations given by deed or will, for the benefit of poor persons, in the several parishes and places within that part of *Great Britain* called *England*, you are hereby required, with all convenient speed, to give, or cause to be given, notice to the rectors and vicars, or officiating ministers, churchwardens, and chapelwardens, of every parish within your district aforesaid; and, in places where there shall be no officiating minister, churchwarden, or chapelwarden, to the overseer or overseers of the poor; and if no overseer, to some substantial householder of such place, by delivering to each of them a printed copy of the schedule to the said act, with the time and place for the meeting filled up in the precept as herein appointed, that they are required to appear at on the day of next, at the hour of in the forenoon, then and there to deliver, upon oath, a just and true account of all charitable donations given by deed or will, for the benefit of poor persons, within their respective parishes and places, distinguishing, as far as may be, by whom, when, and in what manner, and for what purpose, given; likewise, whether such respective donations were in land or money, and in whom they are now vested, and what is the annual produce thereof respectively, on pain of forfeiting a sum not exceeding ten pounds, nor less than five pounds, for every neglect or

default. Given under our hands, the day of in the year of our Lord

The above precept contains the notice I am directed to give you.

[*Here the officer, required to give the notice, is to subscribe his Name.*]

N.B. The high constables, town clerks, or other proper officers before they deliver the schedule, are required to fill up the blanks which shew the appointment of the day and place for the meeting, in the manner they are filled up by the justices who signed the precept.

The following list, when made out, must be signed by the high constable, &c.

List of the names of the minister and churchwardens or chapelwardens, overseers, and householders, [*as the case shall be*], of every parish, townships, or place, to whom I have delivered the schedule, pursuant to the directions of this act.

CAP. LIX.

An act for repealing certain duties now payable on wines imported, and for granting new duties in lieu thereof, to be collected under the management of the commissioners of excise.

Preamble.

WHEREAS *by an act, made in the eighteenth year of the reign of his late majesty King* George *the Second, (intituled,* An act for granting to his Majesty several additional duties upon all wines imported into *Great Britain*, and for raising a certain sum of money by annuities and a lottery, in manner therein mentioned, to be charged on the said additional duties), *it was enacted, That, from and after the twenty-fifth day of* March, *one thousand seven hundred and forty-five, over and above all subsidies of tonnage and poundage, and all other subsidies and impositions whatsoever, due or payable for all wines imported into* Great Britain, *by any act or acts of parliament then in force, there should be raised, levied, collected, and paid unto his Majesty, his heirs and successors, (before landing thereof), the additional impositions, rates, or duties following, without any discount or deduction inwards, or drawback upon the exportation afterwards; (that is to say), For every ton of* French *wine which should be imported into this kingdom, the sum of eight pounds, and so after that rate for any greater or lesser quantity; and also for every ton of all other wines imported into this kingdom, the sum of four pounds, and so after that rate for any greater or lesser quantity: and also by another act, made in the third year of the reign of his present Majesty, (intituled,* An act for granting to his Majesty several additional duties upon wines imported into this kingdom, and certain duties upon all cyder and perry; and for raising the sum of three millions five hundred thousand pounds by way of annuities and lotteries, to be charged on the said duties),

Recital of 18 Geo. 2. c. 9. and

Act 3 Geo. 3. c. 12; and

duties), *it was enacted, That, from and after the thirty-first day of* March, *one thousand seven hundred and sixty-three, over and above all subsidies of tonnage and poundage, and all other subsidies, additional duties, and other impositions whatsoever, due or payable for all wines imported into* Great Britain, *by any act or acts of parliament then in force, there should be raised, levied, collected, and paid unto his Majesty, his heirs and successors, (before landing thereof), the additional impositions, rates, or duties following, without any discount or deduction inwards, or drawback upon re-exportation afterwards; (that is to say), For every ton of* French *wine which should be imported into this kingdom, the sum of eight pounds, and so after that rate for any greater or lesser quantity; and also for every ton of all other wines imported into this kingdom, the sum of four pounds, and so after that rate for any greater or lesser quantity: and also by another act, made in the eighteenth year of the reign of his present Majesty, (intituled,* An act for granting to his Majesty several additional duties upon wines and vinegar imported into this kingdom), *it was enacted, That, from and after the twentieth day of* April, *one thousand seven hundred and seventy-eight, over and above all subsidies of tonnage and poundage, and all other subsidies, additional duties, and impositions whatsoever, due or payable for all wines imported into* Great Britain, *by any act or acts of parliament then in force, there should be raised, levied, collected, and paid unto his Majesty, his heirs and successors, (before landing thereof), the additional impositions, rates, or duties following, without any discount or deduction inwards whatsoever, or any drawback upon re-exportation afterwards, except as therein-after was provided; (that is to say), For every ton of* French *wine which should be imported into this kingdom, the sum of eight pounds and eight shillings, and so after that rate for any greater or lesser quantity; and also for every ton of all other wines imported into this kingdom, the sum of four pounds and four shillings, and so after that rate for any greater or lesser quantity: and whereas, by virtue of another act, made in the nineteenth year of the reign of his said present Majesty, (intituled,* An act for granting to his Majesty additional duties upon the produce of the several duties under the management of the respective commissioners of the customs and excise in *Great Britain*), *an additional impost or duty, after the rate of five pounds* per centum, *became charged upon the produce and amount of the said additional impositions, rates, or duties, so by the said in part recited acts imposed on* French *wine and other wines as aforesaid; and also by another act, made in the twentieth year of the reign of his said present Majesty, (intituled,* An act for granting to his Majesty several additional duties upon wines and vinegar imported into this kingdom), *it was enacted, That, from and after the tenth day of* May, *one thousand seven hundred and eighty, over and above all subsidies of tonnage and poundage, and all other subsidies, additional duties, and impositions whatsoever, due and payable for all wines imported into* Great Britain *by any act or acts of parliament then in force, there should be raised, levied, collected and paid unto his Majesty, his heirs and successors, (before landing thereof), the additional impositions, rates, or duties following, without any dis-*

Act 18 Geo. 3. c. 27; and

Act 19 Geo. 3. c. 25; and

Act 20 Geo. 3. c. 30; and

count or deduction inwards whatsoever; (that is to say), For every ton of French *wine which should be imported into this kingdom, the sum of eight pounds, and so after that rate for any greater or lesser quantity; and also for every ton of all other wines imported into this kingdom, the sum of four pounds, and so after that rate for any greater or lesser quantity; and that the said additional duties thereby granted should be also subject and liable to an additional impost or duty of five pounds* per centum, *as in the said act is mentioned: and whereas, by virtue of another act, made in the twenty-second year of the reign of his said present Majesty, (intituled,* An act for granting to his Majesty additional duties upon the produce of the several duties under the management of the respective commissioners of the customs and excise in *Great Britain*), *an additional impost or duty, after the rate of five pounds* per centum, *became charged upon the produce and amount of the said additional impositions, rates, or duties, so by the said in part recited acts imposed on* French *wine and other wines as aforesaid, except and exclusive of the additional impost or duty of five pounds* per centum, *commonly called* The Impost one thousand seven hundred and seventy-nine, *which was granted by an act made in the nineteenth year of his Majesty's reign, (intituled,* An act for granting to his Majesty additional duties upon the produce of the several duties under the management of the respective commissioners of the customs and excise in *Great Britain*): *and whereas it is expedient to repeal the said additional impositions, rates, or duties herein-before particularly mentioned, and by the said in part recited acts imposed on* French *wine and other wines respectively as aforesaid, and also the said additional imposts or duties so charged as aforesaid upon the produce and amount thereof; and in lieu thereof to grant unto his Majesty the several inland duties hereinafter mentioned:* be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-six, the said additional impositions, rates, or duties hereinbefore particularly mentioned, and by the said in part recited acts imposed on *French* wine and other wines respectively as aforesaid, and also the said additional imposts or duties so charged as aforesaid upon the produce and amount thereof, shall cease and determine, and be no longer paid or payable, save and except in all cases relating to the recovering any arrears thereof respectively, which may at that time remain unpaid, or to any penalty or forfeiture, penalties or forfeitures, relating thereto respectively, which shall have been incurred upon or at any time before the said fifth day of *July*, one thousand seven hundred and eighty-six.

Act 22 Geo. 3. c. 66.

From July 5, 1786, the additional duties on wines before specified to cease.

II. And be it further enacted by the authority aforesaid, That, from and after the said fifth day of *July*, one thousand seven hundred and eighty six, there shall be raised, levied, collected, and paid unto his Majesty, his heirs and successors, over and above all subsidies of tonnage and poundage, and all other subsidies,

From July 5, 1786, the following duties to be paid for wines imported.

subsidies, duties, and impositions whatsoever (not repealed by this act) due and payable for any wine imported into *Great Britain*, by any act or acts of parliament now in force, the several inland duties herein-after mentioned; (that is to say), For every ton of *French* wine, which shall be imported into *Great Britain*, the sum of thirty-five pounds fourteen shillings, and so after that rate for any greater or lesser quantity; and also for every ton of all other wines imported into *Great Britain*, the sum of seventeen pounds seventeen shillings, and so after that rate for any greater or lesser quantity: provided always, That nothing in this act contained shall extend, or be construed to extend, to make chargeable with the said duties hereby imposed, or any of them, any wines damaged, corrupt, or unmerchantable, and for which the merchants or importers thereof shall refuse to pay or secure the duties, and which, by an act passed in the twelfth year of the reign of his late majesty King *George* the First, (intituled, *An act for the improvement of his Majesty's revenues of customs, excise, and inland duties*), are on such refusal directed to be received into the custody of the proper officers of the customs, to be publickly sold in order to be distilled into brandy, or to be made into vinegar.

For French wine, 35l. 14s. per ton:

for other wines, 17l. 17s. per ton.

Not to extend to damaged wines, which are to be sold to make brandy, &c.

III. And be it further enacted by the authority aforesaid, That such of the duties by this act imposed as shall arise in *England*, *Wales*, and the town of *Berwick upon Tweed*, shall be under the management of the commissioners of excise in *England* for the time being; and such thereof as shall arise in *Scotland*, shall be under the management of the commissioners of excise in *Scotland* for the time being.

Duties to be under the management of the excise.

IV. And be it further enacted by the authority aforesaid, That within twenty days next after the master or purser for that voyage, of the ship or vessel wherein any foreign wine shall be imported or brought into this kingdom, shall have or ought to have made a just and true entry or report upon oath of the burthen, contents, and lading of such ship or vessel, in pursuance of the directions of an act made in the thirteenth and fourteenth years of the reign of King *Charles* the Second, (intituled, *An act for preventing frauds and regulating abuses in his Majesty's customs*), the proprietor or proprietors, importer or importers, consignee or consignees, of any such foreign wine, shall make due entry with the collector of excise, in the port or place where such wine shall be so imported, of all such wine, on board of such ship or vessel, belonging to such proprietor or proprietors, importer or importers, consignee or consignees, specifying in such entry, if such wine be *French* wine, whether the same is *French* red wine or *French* white wine, and if such wine be foreign wine other than *French* wine, whether the same is foreign white wine or foreign red wine, not *French*; and shall then, and before the landing of any such wine, satisfy and pay the duties by this act imposed on such wine, and shall also, within such twenty days, land all such wine; and if such proprietor or proprietors, importer or importers, consignee or consignees, shall neglect

If within 20 days after entry should be made of the vessel, according to act 13 & 14 Car. 2. c. 11. due entry of the wine be not made at the port of importation, &c. it may be conveyed to the King's warehouse, and in three months sold, if the duties, &c. be not paid.

neglect or refuse to make due entry, or to pay such duties, or to land any such wine within such twenty days, it shall and may be lawful for any officer or officers of the customs or excise to convey such wine, together with the casks, bottles, and packages containing the same, to his Majesty's warehouse or warehouses, for security as well of the said duties by this act imposed on such wine, as also all other duties due or payable in respect of such wine; and if as well the said duties by this act imposed on such wine, as all other duties due or payable in respect of such wine, shall not be fully paid and satisfied within the space of three months from the time such wine shall be so conveyed to such warehouse or warehouses, the said respective commissioners of the customs in *England* and *Scotland*, or the major part of them, for the time being (in case such wine shall be so conveyed to such warehouse or warehouses by any officer or officers of the customs), and the said respective commissioners of excise, or the major part of them, for the time being (in case such wine shall be so conveyed to such warehouse or warehouses by any officer or officers of excise), shall and may cause such wine, casks, bottles, and packages to be publickly sold to the best bidder, at such places as the said respective commissioners of the customs or excise, as the case may require, shall think proper, for and towards satisfying as well the said duties hereby imposed on such wine, as all other duties due or payable in respect of such wine, and also the costs, charges, and expences attending the conveying of such wine, casks, bottles, and packages, to such warehouse or warehouses, and of the keeping and sale of such wine, casks, bottles, and packages; and if the money arising from the sale thereof shall be more than sufficient to pay and satisfy the duties hereby imposed, and all the money due or payable for the custom duties for and in respect of such wine, together with such costs, charges, and expences, the respective receivers general of the customs in *England* and *Scotland* for the time being (in case the said respective commissioners of the customs, or the major part of them respectively, shall cause such wine to be sold) shall pay over to the said respective commissioners of excise so much of such excess or surplus as will be sufficient to satisfy the duties hereby imposed on such wine; and the said respective commissioners of excise (in case they, or the major part of them respectively, shall cause such wine to be sold) shall pay over to the said respective receivers general of the customs so much of such excess or surplus as will be sufficient to satisfy the money due or payable for the custom duties for or in respect of such wine; and the overplus (if any be) shall be paid to the proprietor or proprietors, or other person or persons authorised to receive the same: and in case the money arising from the sale of the said wine shall not be sufficient to satisfy the whole of the said duties hereby imposed on such wine, and all the said custom duties due or payable in respect of such wine, together with such costs, charges, and expences as aforesaid, the said respective commissioners of the customs or excise, as the case

case may require, shall first discharge and pay all such costs, charges, and expences, and shall divide the residue of such money into two sums of money, in the proportion of three to two; and the said respective commissioners of the customs (in case they, or the major part of them respectively, shall cause such wine to be sold) shall pay over the least of such two sums of money to the said respective commissioners of excise, towards satisfying the duties hereby imposed on such wine; and the said respective commissioners of excise (in case they or the major part of them respectively shall cause such wine to be sold) shall pay over the greatest of such two sums of money to the said respective receivers general of the customs, towards satisfying the money due or payable for the custom duties for or in respect of such wine.

How the money arising from the sale of wines is to be divided when insufficient to pay the whole of the duties.

V. And be it further enacted by the authority aforesaid, That the receipts of the said respective commissioners of excise shall be a sufficient discharge to the said respective receivers general of the customs, for such money as they shall so pay to the said respective commissioners of excise; and the receipts of the said respective receivers general of the customs shall be a sufficient discharge to the said respective commissioners of excise, for such monies as they shall so pay to the said respective receivers general; and such receipts shall severally be allowed by the proper officer or officers, in passing the accounts of the said respective commissioners of excise and receivers general of the customs.

Receipts of the commissioners of excise and customs to be sufficient discharges.

VI. And be it further enacted by the authority aforesaid, That all foreign wine which shall be unshipped, landed, or delivered from or out of any ship, vessel, or boat, before as well the duties hereby imposed, as all other duties payable in respect of such wine, shall be fully paid or secured to be paid, shall be forfeited and lost, together with the casks, bottles, jars, and packages containing the same, and such wine, casks, bottles, jars, and packages, shall and may be seized by any officer or officers of the customs or excise; and if any person or persons shall unship, land, or deliver, or cause or procure to be unshipped, landed, or delivered, or be aiding or assisting in the unshipping, landing, or delivering, from or out of any ship, vessel, or boat, any foreign wine, before as well the said duties hereby imposed, as all other duties payable in respect of such wine, shall be fully paid or secured to be paid, or shall hide or conceal, or cause or procure to be hidden or concealed, any such wine so unshipped, landed, or delivered as aforesaid, or shall receive into his, her, or their hands, custody, or possession, any such wine so unshipped, landed, or delivered as aforesaid, he, she, or they, knowing the same to have been so unshipped, landed, or delivered as aforesaid, such person or persons, and each and every of them, shall, for each and every such offence, forfeit and lose treble the value of such wine, to be estimated according to the best and highest rate and price which wine of the

Wine landed before the duties are paid forfeited; and persons assisting therein, etc. to forfeit treble the value of the wine.

the best quality, of that kind, shall sell for in *London* at the time when such forfeiture shall be incurred.

Wine brought in ships of not more than 60 tons forfeited, with the vessel, unless such wine be for the use of the crew, and not greater in quantity than herein specified.

VII. And be it further enacted by the authority aforesaid, That where any wine shall be imported or brought into *Great Britain*, or into any port, harbour, haven, or creek thereof, from foreign parts, in any ship, vessel, or boat, of the burthen of sixty tons or under, then not only the said wine, but also the said ship, vessel, or boat, in which the same shall be so imported, with all her guns, furniture, ammunition, tackle, and apparel, shall be forfeited and lost, and shall and may be seized by any officer or officers of the customs or excise: provided always, That nothing in this act contained shall extend, or be deemed or construed to extend, to forfeit any wine for being imported or brought into *Great Britain*, or into any port, harbour, haven, or creek thereof, in any ship, vessel, or boat of the burthen of sixty tons, or under, or any such ship, vessel, or boat, for having so imported or brought therein any such wine (provided there be no spirituous liquors on board such ship, vessel, or boat, at the time of such importation or bringing of any such wine), if such wine so imported or brought shall be for the use of the seamen then belonging to and on board such ship, vessel, or boat, and shall not exceed the quantity of two gallons for each such seaman, or in case any spirituous liquors shall, at the time of such importation or bringing of any such wine, be on board such ship, vessel, or boat, for the use of such seamen, and shall be less in quantity than two gallons for each such seaman, if the quantity of wine and spirituous liquors, taken together, be not more than two gallons in the whole for each such seaman.

From July 5, 1786, wholesale dealers in foreign wine, to take out licences, which are to be granted without fees.

VIII. And be it further enacted by the authority aforesaid, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-six, no person or persons shall deal in or sell foreign wine by wholesale, without first taking out a licence for that purpose, in manner herein-after mentioned, before he, she, or they shall so deal in or sell foreign wine by wholesale; and that if any such licence shall be taken out within the limits of the chief office of excise in *London*, the same shall be granted under the hands and seals of two or more of the commissioners of excise for the time being, or of such person or persons as the said commissioners of excise, or the major part of them, for the time being, shall from time to time appoint for that purpose; but if any such licence shall be taken out in any part of *England* or *Wales*, not within the said limits, or in the town of *Berwick upon Tweed*, the same shall be granted under the hands and seals of the several collectors and supervisors of excise, within their respective collections and districts; and in case any such licence shall be taken out within the limits of the city of *Edinburgh*, the same shall be granted under the hands and seals of two or more of the commissioners of excise in *Scotland*, for the time being, or of such person or persons as the commissioners of excise in *Scotland*,

Scotland, or the major part of them, for the time being, shall from time to time appoint for that purpose; or if any such licence shall be taken out in any other part of *Scotland*, without the said limits of the city of *Edinburgh*, then the same shall be granted under the hands and seals of the several collectors and supervisors of excise in *Scotland*, within their respective collections and districts; and such respective commissioners of excise, or two or more of them, respectively, and the persons so to be appointed by them, or the major part of them, respectively, and also all such collectors and supervisors, are hereby respectively authorised and required to grant such licences, to the persons who shall apply for the same without fee or reward.

Licences to be renewed annually.

IX. And be it further enacted by the authority aforesaid, That no person or persons shall deal in foreign wine by wholesale, after the expiration of twelve months from the time of taking out any such licence as aforesaid, unless such person or persons shall take out fresh licences, in the manner herein-before directed, ten days at least before the expiration of twelve months from the time of taking out such former licence, and so in like manner from year to year; and that if any person or persons shall deal in foreign wine by wholesale, without first taking out such licence, and renewing the same yearly, in manner aforesaid, he, she, or they, shall, for every such offence, forfeit and lose one hundred pounds: provided always, That persons dealing in or selling foreign wine by wholesale, in partnership, and in one house or shop only, shall not be obliged to take out more than one licence in any one year for dealing in or selling foreign wine by wholesale; and that no one licence, which shall be granted by virtue of this act, shall authorize or impower any person or persons to deal in or sell foreign wine in any other warehouse, storehouse, room, shop, cellar, vault, or other place, (other than and except on the lawful quays upon which such wine shall have been first landed, and whilst such wine shall be openly lying on such quays), than such warehouses, storehouses, rooms, shops, cellars, vaults, or other places, whereof entry in writing shall be made at the office of excise, according to the directions of this act, at the time of granting such licence.

Persons selling wine without a licence, forfeit 100*l*.

One licence sufficient for a partnership in one house.

No licence to authorize the sale of wine in any other than the place of entry.

Commissioners may impower auctioneers to sell foreign wine by auction, on proof of duties paid. 19 Geo. 3. c. 56.

X. Provided always nevertheless, and be it enacted by the authority aforesaid, That it shall and may be lawful to and for the said respective commissioners of excise, or the major part of them for the time being, to authorise and impower any auctioneer, duly licensed according to an act, made in the nineteenth year of the reign of his present Majesty, intituled, *An act for altering, amending, and enforcing so much of an act, made in the seventeenth year of the reign of his present Majesty, intituled*, An act for granting to his Majesty certain duties on licences to be taken out by all persons acting as auctioneers; and certain rates and duties on all lands, houses, goods, and other things sold by auction, and upon indentures, leases, bonds, deeds, and other instruments, *as relates to the method of granting licences to auctioneers, and*

and to the collecting the duties on estates and goods sold by auction, to sell by auction, and for such auctioneer, so authorised and impowered, accordingly to sell by auction, any foreign wine, if it be first proved to the said respective commissioners, or the major part of them, that all the duties due or payable in respect of such foreign wine have been fully paid, the examination and proof thereof being left to the judgement of the said respective commissioners, or the major part of them; and such auctioneer, so authorized and impowered, shall not be liable to any fine, penalty, or forfeiture by this act imposed, for or in respect of such sale.

Persons taking out licences for retailing foreign wine, to be deemed wholesale dealers, if they have not licences for retailing spirituous liquors, etc. If they have, to be deemed retail dealers.

XI. And be it further enacted by the authority aforesaid, That all and every person and persons to whom any licence for retailing of foreign wine shall be granted, and who shall not take out either a licence for retailing spirituous liquors, or a licence for retailing of beer, ale, or other exciseable liquors, shall be deemed and taken to be a dealer or dealers in foreign wine by wholesale, within the meaning of this act; and if any wine, either foreign wine, or by the person or persons dealing in or selling the same pretended to be foreign wine, shall at any time be sold by any such person or persons, such sale shall be deemed and taken to be a dealing in and selling foreign wine by wholesale, within the meaning of this act; and that all and every person and persons having a licence granted to him, her, or them, either for retailing of spirituous liquors, or for retailing of beer, ale, or other exciseable liquors, shall be deemed and taken to be a dealer or dealers in foreign wine by retail, within the meaning of this act: provided always, That nothing herein-before contained shall in anywise be prejudicial to the privileges of the two universities in that part of *Great Britain*, called *England*, or either of them, nor to the chancellors or scholars of the same or their successors; but that they may use and enjoy such privileges as they have heretofore lawfully used and enjoyed, any thing herein contained to the contrary notwithstanding: provided also, That nothing herein-before contained shall extend to be prejudicial to the master, wardens, freemen, and commonalty of the vintners of the city of *London*, or to any other city or town corporate; but that they may use and enjoy such liberties and privileges as they have heretofore lawfully used and enjoyed: provided nevertheless, That no person who shall be admitted to the freedom of the said company of vintners of the city of *London* by redemption only, shall be exempted from the obligation of taking out a licence for selling or uttering wine by retail, but that the freemen only of the said company who have been already admitted to their freedom, or who shall be admitted to their freedom in right of patrimony or apprenticeship, shall be entitled to such exemption: provided also, That nothing herein-before contained shall in anywise extend to debar or hinder the mayor or burgesses of the borough of *Saint Albans*, in the county of *Hertford*, or their successors, from enjoying, using, and exercising all such liberties, powers, and authorities

Not to extend to the two universities.

to

to them heretofore granted, by several letters patent under the great seal of *England*, by Queen *Elizabeth* and King *James* the First, for the erecting, appointing, and licensing of three several wine taverns within the borough aforesaid, for and towards the maintenance of the free school there; but that the same liberties, powers, and authorities shall be and are hereby established and confirmed, and shall remain and continue in and to the said mayor and burgesses, and their successors, to and for the charitable use aforesaid, and according to the tenor of the letters patent aforesaid, as though this act had never been made; any thing in this act contained to the contrary in anywise notwithstanding: provided always, and be it declared, That nothing herein contained shall extend, or be construed to extend, to exempt any person or persons who shall sell or utter any kind of wine or wines, or any liquor called or reputed *Wine*, by the pint, quart, pottle, or gallon, or by any other greater or less measure, or in bottles in any less quantity than shall be equal to the measure of the cask, or vessel in which the same shall have been, or may lawfully be imported, from taking out a licence for retailing wine in such and the same manner as they now are by law required, and as if this act had never been made.

No person whatsoever to sell wine by the pint, &c. without taking out a licence.

XII. And be it further enacted by the authority aforesaid, That all dealers in and sellers of foreign wine shall make true and particular entry in writing of all warehouses, storehouses, rooms, shops, cellars, vaults, and other places, by him, her, or them respectively made use of for the keeping of wine for sale, at the office of excise within the compass or limits whereof such respective warehouses, storehouses, rooms, shops, cellars, vaults, and other places, shall be situated, on pain of forfeiting the sum of one hundred pounds for every such warehouse, storehouse, room, shop, cellar, vault, or other place, which shall be so made use of by any such dealer or dealers, or feller or sellers, without having made such entry as aforesaid, together with all wine that shall be found therein, and also the casks, jars, bottles, vessels, and packages whatsoever, containing such wine: provided always, That nothing in this act contained shall extend, or be deemed or construed to extend, to make any dealer or dealers in, or seller or sellers of, foreign wine by wholesale, liable to the said penalty of one hundred pounds, for or by reason of any sale of any foreign wine, whilst the same shall be lying openly on the lawful quays on which such wine shall have been first landed.

Entry to be made of all warehouses, &c. on penalty of 100l. and forfeiture of the wine therein.

Exception.

XIII. And be it further enacted by the authority aforesaid, That where any entry shall be made by any dealer or dealers in, or seller or sellers of, foreign wine, of any warehouse, storehouse, room, shop, cellar, vault, or other place, for the keeping of wine for sale, no other dealer or dealers in, or seller or sellers of wine, not being in partnership with such dealer or dealers, or seller or sellers, making such first entry, shall, on any pretence whatsoever, make entry of the same, or of any other warehouse, storehouse, room, shop, cellar, vault, or other place whatsoever, within the same house or tenement in which such first entry shall then

Persons making entry of places already entered, to be deemed dealers without entry, &c.

then be exiſting; but every ſuch dealer or dealers, or ſeller or ſellers, making ſuch further entry of the ſame, or any other ſuch warehouſe, ſtorehouſe, ſhop, room, cellar, vault, or other place, in ſuch ſame houſe or tenement, ſhall, notwithſtanding ſuch further entry by him, her, or them made, be deemed and taken to be a dealer in foreign wine without entry, and ſhall be ſubject to the like penalties and forfeitures as dealers in foreign wine without entry are ſubject unto by virtue of this act.

Every place for keeping or ſelling wine muſt have thereon the words dealer in foreign wine, on penalty of 50l.

XIV. And be it further enacted by the authority aforeſaid, That all and every dealer and dealers in, and ſeller and ſellers of, foreign wine by wholeſale, ſhall cauſe to be painted or written, in large legible characters, over the outer door, or in the front or on ſome conſpicuous part of each and every houſe, warehouſe, ſtorehouſe, room, ſhop, cellar, vault, and other place, by him, her, or them reſpectively made uſe of for the keeping of foreign wine for ſale, the words *Dealer in Foreign Wine*, upon pain of forfeiting, for every ſuch houſe, warehouſe, ſtorehouſe, room, ſhop, cellar, vault, or other place which ſhall be ſo made uſe of by any ſuch dealer or dealers in, or ſeller or ſellers of, foreign wine reſpectively, without having the ſaid words painted or written as is hereby directed, the ſum of fifty pounds.

Perſons putting thoſe words, on unentered places, to forfeit 100l. &c.

XV. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever, other than ſuch as ſhall have duly made entry at the proper offices of exciſe of the places by them reſpectively made uſe of for keeping foreign wine for ſale, ſhall paint or write, or cauſe to be painted or written, over the door, or in the front of any place to them reſpectively belonging, the words *Dealer in Foreign Wine*, every perſon and perſons reſpectively offending therein ſhall forfeit and loſe the ſum of one hundred pounds, and ſhall alſo be ſubject to the ſeveral penalties and forfeitures to which perſons ſelling of, or dealing in, foreign wine without entry are ſubjected to by virtue of this act.

An account of the wine in ſtore on July 5, 1786, to be delivered at the next office of exciſe, within three days, or the ſame to be forfeited.

XVI. And be it further enacted by the authority aforeſaid, That all dealers in, and ſellers of, foreign wine ſhall, on the fifth day of *July*, one thouſand ſeven hundred and eighty-ſix, or within three days then next enſuing, deliver, or cauſe to be delivered, at the office of exciſe within the limits whereof their reſpective warehouſes, ſtorehouſes, rooms, ſhops, cellars, vaults, and other places, by him, her, or them made uſe for keeping wine for ſale, ſhall be ſituated, a juſt, true, and particular account in writing of the quantity of all the foreign wines which ſhall, on the ſaid fifth day of *July*, be or have been in the cuſtody or poſſeſſion of any ſuch dealer or dealers in, or ſeller or ſellers of, foreign wine, diſtinguiſhing ſuch foreign wines from each other, according to the true denominations thereof, under the following deſcriptions of *French* red wine, and *French* white wine, in caſe the ſame be *French* wine, and of foreign red wine not *French*, and foreign white wine not *French*, in caſe the ſame ſhall be foreign wine, other than *French* wine, on pain of forfeiting, for every neglect to deliver or cauſe to be delivered ſuch account, all

ſuch

such foreign wine whereof no such account shall be so delivered, together with the casks, bottles, jars, vessels, and packages, containing the same; and such foreign wine, casks, bottles, jars, vessels, and packages, so forfeited, shall and may be seized by any officer or officers of excise; all wine in bottles to be so accounted for without expressing the number of gallons which they contain.

Officers may at all times, enter warehouses, &c. to take an account of stock.

XVII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the officers of excise, or any or either of them, from time to time, and at all times, by day and by night, upon his or their request, (but if in the night, in the presence of a constable or other officer of the peace), to enter into all and every the warehouses, storehouses, rooms, shops, cellars, vaults, and other places made use of by any dealer or dealers in, or seller or sellers of, foreign wine, whether by wholesale or by retail, for keeping wine, and by tasting, gauging, or otherwise, to take an account of the quantity and quality of all the wine and other liquors which shall at any time be in his, her, their, or any of their custody, in cask, or in any vessel or vessels except bottles; and also to take an account of the wine or other liquors which shall at any time be in his, her, or their custody, in bottles, in any other manner than by tasting the same, or by uncorking or opening the bottles containing such wine.

Officers to be permitted to take samples on paying for the same, on penalty of 100l.

XVIII. Provided always, and be it enacted by the authority aforesaid, That it shall and may be lawful to and for the officers of excise, or any or either of them, and they are hereby authorised and impowered to take, at any time or times, a sample or samples of foreign wine, whether in bottles or in cask, or in any other vessel or vessels, paying for the same, for every quart of wine, the usual price thereof; and in case any dealer or dealers in, or seller or sellers of, foreign wine, or any workman or servant to him, her, or them belonging, shall refuse to permit such officer or officers to take such sample or samples as aforesaid, upon his, or their offering to pay for the same after the rate aforesaid, or shall anywise obstruct or hinder him or them in taking such sample or samples, such dealer or dealers in, or seller or sellers of, foreign wine, shall, for each and every such offence, forfeit and lose the sum of one hundred pounds.

The quality and quantity of wine to be marked on all vessels, containing more than 3 gallons, or to be forfeited.

XIX. And be it further enacted by the authority aforesaid, That all dealers in and sellers of foreign wine, who shall have or receive into their custody any foreign wine, shall, from time to time, distinctly mark in the most conspicuous part of each and every cask, jar, bottle, and other vessel capable of containing above the quantity of three gallons, and in which they shall keep any foreign wine, the number of gallons which such cask, jar, bottle, and other vessel is capable of containing, and also the sort of such wine then kept or contained therein, specifying, if it be *French* wine, whether the same is *French* red wine or *French* white wine; and, if the same be foreign wine other than *French*

wine, whether the same is foreign red wine, or foreign white wine, on pain of forfeiting such wine as shall at any time be kept or contained in any such cask, jar, bottle, and other vessel, together with such cask, jar, bottle, and other vessel containing such wine; and all such wine, together with such cask, jar, bottle, or other vessel, shall and may be seized by any officer or officers of excise.

Casks and places for keeping wine to be shewn to the officer, or the wine to be forfeited.

XX. And be it further enacted by the authority aforesaid, That every dealer or dealers in, or seller or sellers of, foreign wine, is and are hereby required to shew to the officer of excise under whose survey he, she, or they shall then be, each and every cask, vessel, and utensil capable of containing above the quantity of three gallons, and every bin, or other place, in which he, she, or they shall keep any foreign wine, on pain of forfeiting all such wine as shall at any time be found in any such cask, vessel, utensil, and bin, or other place, used for keeping of wine, which has not been so shewn to such officer as aforesaid, together with such cask, vessel, or utensil; and such cask, vessel, or utensil, so forfeited, together with such wine found therein, shall and may be seized by any officer or officers of excise; and such officer shall mark such casks, vessels, utensils, bins, or other place, used for keeping of wine, so shewn to him, or any or either of them, with a particular, distinct and durable mark; and if any person or persons whatsoever shall, at any time after any such bin, cask, vessel, or utensil shall have been so marked by such officer as aforesaid, rub out or deface any such mark so fixed upon any such cask, vessel, utensil, or bin, or other place, used for keeping of wine, by such officer as aforesaid, he, she, or they shall, for every such offence, forfeit and lose the sum of fifty pounds.

Marks on casks, &c. made by the officer, not to be defaced, on penalty of 50l.

No bin, &c. containing more than 3 gallons, to be erected, enlarged, or used, without notice being given to the excise, on penalty of 50l.

XXI. And be it further enacted by the authority aforesaid, That no dealer or dealers in, or seller or sellers of, foreign wine shall, without notice first thereof given at the office of excise, within the compass or limits whereof his, her, or their respective warehouses, storehouses, rooms, shops, cellars, vaults, and other places shall be situated, erect or set up any vessel, utensil, or other convenience for keeping or containing wine, and capable of containing above the quantity of three gallons, or alter or enlarge any bin, vessel, or utensil for keeping or containing wine, and capable of containing above the quantity of three gallons, which is already erected or set up, or shall hereafter be erected or set up, or shall have or keep any bin, vessel, or utensil for keeping or containing wine, and capable of containing above the quantity of three gallons, other than such as are openly kept and used in his, her, or their entered warehouse, storehouse, room, shop, cellar, vault, or other place made use of by him, her, or them for keeping of foreign wine, and discovered and known to the officer of excise under whose survey such dealer or dealers, or seller or sellers, shall then be, on pain to forfeit and lose, for every such bin, vessel, or utensil so erected or set up, or hereafter

hereafter to be erected or set up, or altered or enlarged, or kept, without such notice given as aforesaid, or without being so discovered and known, the sum of fifty pounds.

XXII. And be it further enacted by the authority aforesaid, That all and every dealer and dealers in, and seller and sellers of, foreign wine by wholesale, shall, before he, she, or they shall begin to draw off or bottle any foreign wine, give to the officer of excise, under whose survey such dealer or dealers, or seller or sellers shall then be, six hours notice in writing, within the limits of the chief office of excise in *London*, and twelve hours notice in writing in other places in *Great Britain*, of his, her, or their intention to draw off or bottle any foreign wine, and of the time when, and the particular warehouse, storehouse, room, shop, cellar, vault, or other place, in which such foreign wine is intended to be drawn off or bottled, and the quantity thereof, and into how many casks, bottles, or other vessels the same is intended to be drawn off or bottled; and if such wine, so intended to be drawn off or bottled, be *French* wine, whether the same is *French* red wine or *French* white wine; or, if such wine, so intended to be drawn off or bottled, be not *French* wine, whether the same is foreign red wine, not *French*, or foreign white wine, not *French*, and from what particular cask or other vessel, or casks or other vessels, such wine is so intended to be drawn off or bottled; and such officer shall, if he shall deem it expedient so to do, attend to see such foreign wine drawn off or bottled, and the same shall be drawn off or bottled in the presence of such officer, if he shall attend pursuant to such notice; and such wine shall also be packed or piled in the presence of the officer of excise under whose survey such dealer or dealers, or seller or sellers, shall then be, or, in default of the same being packed or piled in the presence of such officer, such dealer or dealers, or seller or sellers, shall, immediately upon such wine being drawn off or bottled as aforesaid, or in case the officer shall not be then present, then upon such officer's next survey, make to such officer a declaration into what particular bin, or in what particular part of his warehouses, storehouses, rooms, shops, cellars, vaults, or other entered places, such wine is intended to be, or shall have been, packed, piled, or deposited, and when such dealer or dealers, or seller or sellers, intends or intend to pack, pile, or deposit the same, according to such declaration, and such wine shall be piled or deposited according to such declaration; and no foreign wine shall be removed from the bin or place in which the same shall be packed, piled, or deposited, according to the directions of this act, into any other bin or place, in any such warehouses, storehouses, rooms, shops, cellars, vaults, or other entered places, before such dealer or dealers, or seller or sellers, shall have given to such officer six hours notice in writing, within the limits of the said chief office, and twelve hours notice in writing, in other places in *Great Britain*, of his, her, or their intention so to remove the same, and of the particular bin or place, in any such warehouses, storehouses, rooms, shops, cellars, vaults, or other

Notice to be given of an intention to draw off wine, with the quantity, that the officer may attend; and declaration to be made of the place where it is to be deposited.

No wine to be removed without notice.

entered places, to which the same is intended so to be removed; and if any such dealer or dealers in, or seller or sellers of, foreign wine, shall begin to draw off or bottle any such foreign wine, without giving such notice as is in that behalf herein-before directed to be given, or, in default of such wine being packed or piled in the presence of such officer as aforesaid, shall neglect to make such declaration as aforesaid, or to pack, pile, or deposit such wine according to such declaration, or shall remove any foreign wine from the bin or place in which the same shall be packed, piled, or deposited, according to the directions of this act, into any other bin or part of any such warehouses, storehouses, rooms, shops, cellars, vaults, or other entered places, without giving such notice as is in that behalf herein-before directed to be given, he, she, or they shall, for every such offence, forfeit and lose the sum of fifty pounds: provided always, That nothing in this act contained shall extend, or be deemed or construed to extend, to make any dealer or dealers in, or seller or sellers of, foreign wine liable to the said penalty of fifty pounds, for or by reason of his drawing off or bottling any foreign wine into a number of bottles more or less, by a small quantity, than shall be specified, in such notice herein-before directed to be given, as the number of bottles into which such wine was intended to be drawn off or bottled: provided also, That if any dealer or dealers in, or seller or sellers of, foreign wine by wholesale, so intending to draw off or bottle such foreign wine, shall not begin and proceed to draw off or bottle such wine at the time mentioned in such notice in that behalf herein-before directed, or within one hour after such time, then such notice shall be void, and such dealer or dealers, or seller or sellers, so intending to draw off or bottle such wine, shall give a fresh notice to such officer or officers of the time when, and the particular warehouse, storehouse, room, shop, cellar, vault, or other place in which such wine is intended to be drawn off or bottled, and the quantity thereof, and into how many casks, bottles, jars, or other vessels, the same is intended to be drawn off or bottled; and, if such wine so intended to be drawn off or bottled be *French* wine, whether the same is *French* red wine or *French* white wine, or, if such wine so intended to be drawn off or bottled be not *French* wine, whether the same is foreign red wine or foreign white wine, and from what particular cask, jar, or other vessel, casks, jars, or other vessels, such wine is so intended to be drawn off or bottled: provided always, nevertheless, That nothing in this act contained shall extend, or be deemed or construed to extend, to make it unlawful to or for any dealer or dealers in, or seller or sellers of, foreign wine by wholesale, to draw off or bottle any foreign wine, at his, her, or their free will and pleasure, for the purpose of immediately sending out the same, without giving such notice to the officer of excise under whose survey such dealer or dealers, or seller or sellers, shall then be, of his, her, or their intention to draw off or bottle such foreign wine; but that it shall and may be lawful to and for any such dealer or dealers,

Penalty on bottling wine, &c. without giving due notice.

Persons not liable to penalty for a small difference in the number of bottles drawn off, and in the notice.

If wine be not begun to be bottled off, within an hour after the time mentioned, the notice to be void.

Wine may be drawn off at any time to be sent out immediately.

dealers, or seller or sellers, to draw off or bottle any foreign wine, at his, her, or their free will and pleasure, for the purpose of immediately sending out the same, without giving such notice to the officer of excise under whose survey such dealer or dealers, or seller or sellers, shall then be, of his, her, or their intention to draw off or bottle such foreign wine, without being liable to the said penalty of fifty pounds for drawing off or bottling such foreign wine without giving such notice as is herein-before directed to be given; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

Different sorts of wines to be kept separate on penalty of 100l.

XXIII. And be it further enacted by the authority aforesaid, That all and every dealer and dealers in, and seller and sellers of, foreign wine, shall keep all *French* red wine, in his, her, or their custody or possession, separate and apart, and in separate bins, casks, bottles, jars, vessels, utensils, piles, parcels, and divisions, from all other wine; and shall also, in like manner, keep all *French* white wine, in his, her, or their custody or possession, separate and apart, and in separate bins, casks, bottles, jars, vessels, utensils, piles, parcels, and divisions, from all other wine; and shall also, in like manner, keep all foreign red wine, (other than *French* wine) in his, her, or their custody or possession, separate and apart, and in separate bins, casks, bottles, jars, vessels, utensils, piles, parcels, and divisions, from all other wine; and shall also, in like manner, keep all foreign white wine (other than *French* wine) in his, her, or their custody or possession, separate and apart, and in separate bins, casks, bottles, jars, vessels, utensils, piles, parcels, and divisions, from all other wine, upon pain of forfeiting, for every such offence, the sum of fifty pounds.

Penalty on retail dealers not keeping cyder, &c. in separate places from foreign wines.

XXIV. And be it further enacted by the authority aforesaid, That all dealers in, and sellers of, foreign wine, otherwise than by wholesale, who shall have or receive into his, her, or their custody, any cyder, spirituous liquors, or other liquors, shall keep the same separate and apart from foreign wine, upon pain of forfeiting the sum of ten shillings for every gallon of cyder, spirituous liquors, or other liquors, which shall not be so kept separate and apart from foreign wine, together with all such foreign wine, cyder, spirituous liquors, and other liquors, and the casks, bottles, jars, vessels, and other packages containing the same; and such foreign wine, cyder, spirituous liquors, and other liquors, casks, bottles, jars, vessels, and packages, shall and may be seized by any officer or officers of excise.

Dealers in foreign wine not to have sweets in their possession, on penalty of forfeiture, &c. but not to extend to the quantity in hand, on July

XXV. And be it further enacted by the authority aforesaid, That no dealer or dealers in, or seller or sellers of, foreign wine, shall have in his, her, or their custody or possession, any *British*-made wine or sweets, on pain of forfeiting all such *British*-made wine or sweets which shall be at any time found in the custody or possession of such dealer or dealers, or seller or sellers, and also the sum of ten shillings for every gallon of such *British* wine or sweets, and so in proportion for any greater or lesser quantity: provided always, That nothing herein contained shall extend, or be

5. 1786, which may be sold before Dec. 1, 1786.

be deemed or construed to extend, to prevent any dealer or dealers in, or seller or sellers of, foreign wine, from having in his, her, or their custody or possession, or from selling, at any time before the first day of *December*, one thousand seven hundred and eighty-six, any *British*-made wines or sweets, which he, she, or they, shall really and *bona fide* have in his, her, or their custody or possession, at the time of the delivery of such account of the quantity of the foreign wines in the custody or possession of such dealer or dealers, or seller or sellers, at the excise office, as is herein before directed.

An account to be kept of the quantity of wine daily sold.

XXVI. *And, for the better ascertaining the quantities of foreign wine which shall from time to time be sold by dealers in, and sellers of, foreign wine*, be it enacted by the authority aforesaid, That all such dealers in, and sellers of, foreign wine, shall from time to time keep an account of all foreign wine which they, or any of them, respectively shall sell, send out, or consume in each day, in small quantities under three gallons, expressing the number of gallons or bottles so sent out or consumed; and shall every day enter into a book, to be kept for that purpose, an account of the gross quantities of the said foreign wine which have been by him, her, or them respectively, so sold, sent out, or consumed, in the preceding day, in small quantities under three gallons; and such dealers in, or sellers of, foreign wine, shall also keep one other book, wherein they shall respectively enter each parcel of foreign wine of the quantity of three gallons or more, which they shall respectively sell or send out in each day, expressing the number of gallons or bottles so sold or sent out; which said parcels of foreign wine, of the quantity of three gallons or more, shall not be removed out of the respective sellers custody without a permit, signed by the proper officer or officers of excise, expressing the quantity of all such foreign wines, distinguishing in such permit such foreign wines from each other, according to the denominations thereof specified in the request note, according to the directions of this act, and expressing the name and names of the person or persons so selling or sending out, and of the person or persons to whom the same is intended to be sent, and the place, to which the same is intended to be carried, and that the duties by this act charged on such foreign wines were paid, or that the said foreign wines were condemned as forfeited, or were part of the stock in hand of some person or persons, expressing his, her, or their name or names, of which an account had been taken in pursuance of this act; which said books shall be, and are hereby directed to be prepared for the making such entries as aforesaid, and delivered, upon demand, unto such dealers in, and sellers of, foreign wine respectively, by the said respective commissioners of excise, or such person or persons as they the said commissioners, or the major part of them, shall for that purpose direct and appoint: provided always, That no such dealer or dealers, or seller or sellers, shall have in his, her, or their custody more than one such book of each sort at a time, and when the said books in their custody shall be filled up,

The quantity of three gallons not to be removed without a permit.

Entry books to be provided by the excise, and when filled up, to be returned to the officer, verified on oath.

the

the same shall from time to time be severally returned to the respective officers from whom the same was respectively received, and the truth of the entries made therein shall be verified upon the oath of such dealer or dealers, or seller or sellers, or his, her, or their servant or servants who kept the same, and made the entries therein, according to the best of his, her, or their knowledge and belief (which oath such respective officers are hereby authorised to administer), and one or more new book or books shall thereupon be delivered to such respective dealers in, or sellers of, foreign wine, in the room of such book or books so returned, and so *toties quoties*, as often as such book or books shall be filled up with such entries; which said books, so kept by such respective dealers or sellers, shall from time to time lie open to be perused by the officer of excise under whose survey such respective dealers in and sellers of foreign wine shall then be, the better to enable them to keep their stocks of the increase and decrease of such foreign wine; and that such dealers in and sellers of foreign wine shall, immediately upon every request of the officer of excise under whose survey such respective dealers in and sellers of foreign wine shall then be, fill up such book and books respectively with the quantities by them sold in each day: provided always, That if any such dealer or dealers, seller or sellers, shall neglect or refuse to keep such books, and make such entries therein, or to permit the officer or officers of excise, under whose survey such respective dealers or sellers shall then be, to inspect them, or not return the said books, or not fill up such books on request as aforesaid, according to the directions of this act, or shall make any false entry in such book or books, he, she, or they shall, for every such offence, forfeit and lose the sum of twenty pounds.

Entry books to lie open for the inspection of the officer.

Penalty on not keeping books, &c.

XXVII. And be it further enacted by the authority aforesaid, That if any officer or officers of excise shall at any time or times discover or find, that the quantity of *French* red wine, *French* white wine, foreign red wine (other than *French* red wine) or foreign white wine (other than *French* white wine) in the stock of any dealer or dealers in or seller or sellers of foreign wine by wholesale, added to the quantity for which permits shall have been granted since the last account was taken of such stock, and also to the quantity or quantities sold, sent out, or consumed in small quantities under three gallons since such last account was taken, and for which proper entries shall appear to be made in the book herein-before directed to be kept for entering therein such wine as shall be sold, consumed, or sent out in small quantities under three gallons, according to the directions of this act, exceeds the stock left in hand on the taking of such last account, added to the quantity of such wine since received by permit, the quantity of wine so found in excess, by whatever liquor the same shall have been made, and whether the same shall be mixed or mingled, or unmixed or unmingled, shall be deemed and taken to be made by foreign wine for which no duty has been paid, and which had been privately brought in by such dealer or

If an excess in a stock of wine be found, it is forfeited and also double its value.

dealers, or seller or sellers, without permit; and a quantity equal to the quantity of wine so found in excess shall be forfeited and lost, and shall and may be seized and taken by the officer or officers of excise who shall discover the same, from and out of the said stock or stocks in which such quantity of wine shall be so found in excess, and the person or persons in whose stock such quantity of wine so found in excess shall be discovered or found, shall also forfeit double the value of the quantity of wine so found in excess.

Not to extend to an excess occasioned by receiving wine from any lawful quay.

XXVIII. Provided always, and be it further enacted, That nothing in this act contained shall extend, or be deemed or construed to extend, to forfeit any part of such stock or stocks, or to make any person or persons liable to the said penalty of double the value of such wine so found in excess, for or by reason of any such quantity of wine found in excess, if such excess shall arise and be occasioned wholly from wine which shall have been lawfully received into such stock, since such last account was taken, directly from any lawful quay or quays on which the same shall have been first landed, and shall not exceed the importation guage of such wine more than two gallons upon each ton thereof; and if such wine shall also then be, and continue in the original cask, vessel, or package in which the same was imported, and no part thereof drawn off or taken out from such cask, vessel, or package; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

Cyder, &c. found in the possession of a wholesale dealer, to be deemed foreign wine.

XXIX. And be it further enacted by the authority aforesaid, That all cyder, sweets, *British*-made wine, mead, spirituous liquors, and other liquors whatsoever, which at any time shall be found in the warehouses, storehouses, rooms, shops, cellars, vaults, and other places, of any dealer or dealers in, or seller or sellers of, foreign wine by wholesale, entered for the keeping or selling wine, shall be deemed and taken to be foreign wine, within the meaning of this act, of the same sort and denomination as the wine with which the same shall be kept, or if kept separate from any wine, then the same shall be deemed and taken to be *French* red wine.

Permits to be given without fee.

XXX. And be it further enacted by the authority aforesaid, That where any dealer or dealers in or seller or sellers of foreign wine by wholesale, duly licensed according to the directions of this act, shall have occasion to remove such wine from any such entered warehouse, storehouse, room, shop, cellar, vault, or other place, the officer or officers of excise of the respective divisions or places where such entered warehouse, storehouse, room, shop, cellar, vault, or other place, shall be situated, shall, without fee or reward, from time to time, upon a request note being made and delivered, according to the directions of this act, by such dealer or dealers, or seller or sellers, grant and give a permit in writing, signed by the said respective officer or officers, expressing the quantity of all such wine so to be removed, distinguishing in such permit such foreign wines from each other, according to the denominations thereof specified in the request note,

note, according to the directions of this act, and expressing the name and names of the person or persons from whom the same is intended to be removed, and to whom the same is to be removed, and that the duty of such wine, so intended to be removed, has been paid, or that the same hath been condemned as forfeited, or was part of the stock of some dealer or dealers in or seller or sellers of foreign wine by wholesale, of which an account has been delivered at the office of excise pursuant to this act; and all officers of excise, granting or giving such permits, shall limit and express, in such permits, the time within which the said wine, in such permits mentioned, shall be removed from and out of the stock of the persons taking out such permits, and also the time within which the said wine shall be delivered and received into the warehouses, storehouses, rooms, shops, cellars, vaults, or other places, of the person or persons respectively to whom the same is so permitted to be sent.

Permit not to be granted, unless the request contains the quantity to be removed, &c.

XXXI. And be it further enacted by the authority aforesaid, That no such permit for the removal of any foreign wine shall be granted, or be valid, unless such dealer or dealers, or seller or sellers of foreign wine, requiring the same, shall make and send, or deliver, to the officer or officers of excise hereby authorised to grant such permit, a request note, in writing, specifying the name of the person to whom such wine is intended to be sent, the quantity of each sort of such foreign wine intended to be removed, and for the removal of which such permit is required, and, if such wine be *French* wine, whether the same is *French* red wine or *French* white wine, or, in case such wine is not *French* wine, whether the same is foreign red wine not *French*, or foreign white wine not *French*, and also the number and contents of the casks, bottles, jars, or vessels, containing the same, and likewise whether the same is to be removed by land or by water, and by what mode of conveyance such wine is intended to be sent; and all such wine, which shall be removed under a description not conformable to this act, or under a false description, together with the casks, bottles, jars, vessels, and other packages containing the same, and the horses, cattle, carts, boats, barges, and other carriages used in the removal or carriage thereof, shall be forfeited and lost, and shall and may be seized by any officer or officers of excise.

Wine removed contrary to this act seizeable, &c.

Wine brought into a warehouse, etc. without a permit to be forfeited, etc.

XXXII. And be it further enacted by the authority aforesaid, That no wine shall be brought into any warehouse, storehouse, room, shop, cellar, vault, or other place, made use of by any dealer or dealers in or seller or sellers of foreign wine, without an authentick permit, granted and given according to the directions of this act, which permit shall be produced to and left with the officer of excise under whose survey such dealer or dealers, or seller or sellers, shall then be, on pain of forfeiting all such wine so brought in without such permit, together with the casks, bottles, jars, vessels, and packages containing the same, and such wine, with the casks, bottles, jars, vessels, and packages

packages containing the same, shall and may be seized by any officer or officers of excise.

Permits to be granted for the removal of wine belonging to private persons, but if removed contrary hereto, forfeited.

XXXIII. And be it further enacted by the authority aforesaid, That where any person or persons, not being a dealer or dealers in or seller or sellers of foreign wine, either by wholesale or by retail, shall have occasion to remove any foreign wine from any part of this kingdom to any other part thereof, it shall and may be lawful to and for the officer or officers of excise of the respective divisions or districts in which the place from whence such wine is intended to be removed shall be situate, upon such person or persons, or his, her, or their known servant or servants, proving to the satisfaction of the said respective commissioners of excise, or of the collector or supervisor of excise of the collection or district in which the place from whence such wine is intended to be removed is situate, that all the duties for such wine have been fully paid, and upon a request note, in writing, made and sent, or delivered, to such officer or officers of excise authorised to grant a permit thereupon, under and by virtue of this act, specifying the quantity of each sort of such foreign wine intended to be removed, and for the removal of which such permit is required, and, if such wine be *French* wine, whether the same is *French* red wine, or *French* white wine, or, in case such wine is not *French* wine, whether the same is foreign red wine not *French*, or foreign white wine not *French*, and also the number and contents of the casks, bottles, jars, or vessels containing the same, and likewise whether the same is to be removed by land or by water, and by what mode of conveyance such wine is intended to be sent, to give and grant, without fee or reward, a permit or permits in writing, signed by such officer or officers, expressing the quantity of such wine so to be removed, distinguishing in such permit such foreign wines from each other, according to the denominations thereof specified in such request note, according to the directions of this act, and expressing the name and names of the person or persons from whom the same is intended to be removed, and to whom the same is to be removed, and that the duty of such wine, so intended to be removed, has been paid, or that the same hath been condemned as forfeited, or was part of the stock of some dealer or dealers, or seller or sellers of foreign wine by wholesale, of which an account has been delivered at the office of excise, pursuant to this act; and all officers of excise, granting or giving such permit or permits, shall limit and express therein the time within which such wine, in such permit or permits mentioned, shall be removed from and out of the possession of the persons taking out such permit or permits, and also the time within which such wine shall be delivered and received into the possession of the person or persons respectively to whom the same is so permitted to be sent; and all such foreign wine, which shall be removed under a description not conformable to this act, or under a false description, together with

with the casks, bottles, jars, vessels, and other packages containing the same, and the horses, cattle, carts, boats, barges, and other carriages used in the removal or carriage thereof, shall be forfeited and lost, and shall and may be seized by any officer or officers of excise.

Wine exceeding 3 gallons, forfeited, if found removing without permit.

XXXIV. And be it further enacted by the authority aforesaid, That no foreign wine exceeding the quantity of three gallons, shall be removed or carried from any part of this kingdom to another, by land or by water, without being accompanied with a proper permit from some or one of the officers of excise, according to the directions of this act, on pain of forfeiting the wine which shall be found removing or carrying, or removed or carried from one part of this kingdom to another, without such permit as aforesaid, together with the casks, bottles, jars, vessels, and packages containing the same, and the horses, cattle, boats, barges, and other carriages used in such removal or carriage thereof.

Wine removed, and not delivered in time limited, to be deemed as removing without a permit;

XXXV. And be it further enacted by the authority aforesaid, That in case any such wine mentioned or specified in any such permit, shall be removed or sent away from or out of the warehouses, storehouses, rooms, shops, cellars, vaults, and other places, of the person or persons to whom any such permit shall be granted, within the time expressed and limited therein, and such wine shall not, within the time limited and expressed in such permit, be actually delivered and received into the warehouses, storehouses, rooms, shops, cellars, vaults, and other places of the person or persons to whom the same is by such permit authorised to be sent, then, and in every such case, all such wine so removed or sent away as aforesaid shall be deemed and taken to be wine removed without permit, unless it be proved, to the satisfaction of the said respective commissioners of excise, that such wine, through unavoidable accident, could not have been so delivered and received.

but such wine shall be restored, on a recognizance being entered into, to prove it could not be delivered in time.

XXXVI. Provided always, and be it further enacted, That if any such wine, casks, bottles, jars, vessels or packages, shall be seized as forfeited, under and by virtue of the next preceding clause, the same shall be restored and delivered up without delay by the officer or officers seizing the same, to the person or persons having the charge or custody thereof at the time of such seizure, if such person or persons shall and do, before any one of his Majesty's justices of the peace residing near to the place where such seizure shall be made, enter into a recognizance, with one or more other sufficient surety, to be approved of by such justice of the peace, to his Majesty, his heirs, and successors, in double the value of such seizure (which recognizance such justice is hereby authorized and required to take), with condition to prove, within one month then next ensuing, to the satisfaction of the said respective commissioners of excise, that such wine, through unavoidable accident, could not have been so delivered and received, and upon such recognizance being entered into, such justice of the peace shall certify, upon the back

back of the permit accompanying such wine, that a recognizance has been entered into in pursuance of this act, and shall also, by indorsement on such permit, allow such further time, as to him shall seem meet, for such wine to be delivered and received into the warehouses, storehouses, rooms, shops, cellars, vaults, and other places of the person or persons to whom the same was by such permit authorised to be sent; and such indorsement shall, during such further time, be of the same force and effect as a permit granted according to the directions of this act; and such justice shall, and he is hereby required forthwith to transmit every such recognizance to the King's remembrancer in the courts of exchequer in *England* and *Scotland* respectively.

If wine be not sent away by wholesale dealers agreeable to permits, they must be returned, on penalty of treble the value;

XXXVII. And be it further enacted by the authority aforesaid, That if any permit or permits shall be granted by any officer or officers of excise, to any dealer or dealers in or seller or sellers of foreign wine, for the removal of any foreign wine from one place to another, and if, within the times limited in such permit or permits respectively for that purpose, such dealer or dealers, or seller or sellers, to or for whom such permit or permits shall be so granted, shall not either actually and really send away all the wine by such permit or permits authorised to be sent away pursuant to the true intent and meaning of such permit or permits, or, in default of so sending away such wine, shall not, before the expiration of the time limited in and by such permit and permits respectively, return such permit and permits to the officer or officers who granted the same, then, and in every such respective case and cases, such dealer or dealers, or seller or sellers, to whom such permit or permits, or for whose use such permit or permits shall have been granted, shall for every gallon of such wine mentioned in such permit or permits, and not removed according to the purport thereof, forfeit and lose treble the value of such wine, to be estimated according to the best and highest rate and price which wine of the best quality of that kind shall sell for in *London* at the time when such forfeiture shall be incurred; and if such permit or permits are not so returned as aforesaid, and in case, upon taking an account, by any officer or officers of excise, of the stock of foreign wine remaining in the hands or custody of the dealer or dealers, or seller or sellers, from or out of whose stock the wine mentioned in such permit or permits as aforesaid are thereby authorised to be removed, there shall not appear a sufficient decrease to answer the removal of the wine mentioned in such permit or permits as aforesaid, respectively, then and in such case the respective dealer or dealers, or seller or sellers, from or out of whose stock such wine mentioned in the said permit or permits shall be authorised to be removed, shall forfeit and lose the like quantities of wine so permitted to be removed, and not removed according to such permission, to be seized and taken by the officers of excise, or any or either of them, out of any foreign wine of the denomination given in such permit or permits

and if on taking stock, a decrease proportionate to the contents of the permit does not appear, a like quantity may be seized, etc.

mits to the wine so authorised to be removed, and then in the custody or possession of the dealer or dealers, or seller or sellers, forfeiting the same; and if such dealer or dealers, or seller or sellers, shall not then have in his, her, or their custody or possession, such like quantity of wine of that denomination, then and in such case such dealer or dealers, or seller or sellers, shall forfeit and lose the sum of one hundred pounds.

Private persons not removing wine agreeable to permits, must return them, on penalty of treble the value of the wine.

XXXVIII. And be it further enacted by the authority aforesaid, That if any permit or permits, for the removal of any foreign wine from one place to another, shall be granted by any officer or officers of excise, to any person, other than a dealer or dealers in or seller or sellers of foreign wine by wholesale or retail, and if within the times limited in such permit or permits respectively for that purpose, such person or persons to or for whom such permit or permits shall be so granted, shall not either actually and really send away all the wine by such permit or permits authorised to be sent away, pursuant to the true intent and meaning of such permit or permits, or, in default of so sending away such wine, shall not, before the expiration of the time limited in and by such permit and permits respectively, return such permit and permits to the officer or officers who granted the same, then, and in every such respective case and cases, the person or persons, other than such dealer or dealers in or seller or sellers of foreign wine by wholesale or retail, to whom such permit or permits, or for whose use such permit or permits shall have been granted, shall, for every gallon of such wine mentioned in such permit or permits, and not removed according to the purport thereof, forfeit and lose treble the value of such wine, to be estimated according to the best and highest rate or price which wine of that kind shall sell for in *London* at the time when such forfeiture shall be incurred.

Persons giving or using false permits to forfeit 500l.

XXXIX. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall counterfeit or forge, or cause to be counterfeited or forged, any permit for the removal of any foreign wine from one part of this kingdom to any other part thereof, and for the removal of which a permit is by this act required; or if any person or persons shall knowingly or willingly give any false or untrue permit for such removal of foreign wine, or shall knowingly or willingly accept or receive any false or untrue permit with any such wine removed or to be removed as aforesaid; or if any person or persons shall fraudulently alter or erase any such permit, after the same shall have been given or granted by the proper officer of excise; or if any person or persons shall knowingly or willingly publish or make use of any such permit, so counterfeited, forged, false, untrue, altered, or erased; every person or persons so offending shall, for each and every such offence, severally forfeit and lose the sum of five hundred pounds.

Penalty on forging certificate of recognizance.

XL. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall counterfeit or forge, or cause to be counterfeited or forged, any certificate of such

such recognizance as is herein-before required to be taken, being entered into, or any such indorsement as is herein-before directed to be made, or shall knowingly or willingly give any such false or untrue certificate or indorsement, or shall knowingly or willingly accept or receive any such false or untrue certificate or indorsement with any such wine removed, or to be removed, as aforesaid, or shall fraudulently alter or erase any such certificate or indorsement granted or made by any such justice of the peace, or shall knowingly or willingly publish or make use of any such certificate or indorsement so counterfeited, forged, false, untrue, altered, or erased, the person or persons so offending shall, for each and every such offence, severally forfeit and lose the sum of five hundred pounds.

In every action for the said penalty, sufficient bail to be given.

XLI. And be it further enacted by the authority aforesaid, That upon every action, bill, plaint, or information, entered or filed in any of his Majesty's courts of record at *Westminster*, or court of exchequer in *Scotland*, for any or either of the said penalties of five hundred pounds, a *capias* in the first process shall and may issue, specifying such penalty or penalties; and the defendant or defendants shall be obliged to give sufficient bail, by natural-born subjects, persons naturalized, or denizens, to the person or persons to whom such *capias* shall be directed, to appear in the court out of which such *capias* shall issue, at the day of the return of such writ, to answer such suit or prosecution; and shall likewise, at the time of such appearance, give sufficient bail or security, by such persons as aforesaid, in the said court, to answer and pay such penalty or penalties of five hundred pounds, in case he, she, or they shall be convicted thereof, or to yield his, her, or their bodies to prison.

Wine fraudulently hid to be forfeited.

XLII. And be it further enacted by the authority aforesaid, That in case any foreign wine shall be fraudulently deposited, hid, or concealed in any place whatsoever, with an intent to defraud his Majesty of the duties thereon, such foreign wine shall be forfeited and lost, together with the casks, bottles, jars, vessels, and packages whatsoever containing the same, and shall and may be seized by any officer or officers of the customs or excise; and, the better to enable such officer or officers to discover such foreign wine so fraudulently deposited, hid, or concealed, if any such officer or officers shall have cause to suspect that any foreign wine shall be fraudulently deposited, hid, or concealed in any place whatsoever, with intent to defraud his Majesty of the duties thereon, then, and in such case, if such place shall be within the cities of *London* or *Westminster*, or within the limits of the chief office of excise in *London*; and if the officer or officers so having cause to suspect be an officer or officers of excise, upon oath made by such officer or officers, before the commissioners of excise for the time being, or any two or more of them, or, in case such place shall be in any other part of *Great Britain*; or if the officer or officers so having cause to suspect be an officer or officers of the customs, upon oath made by such officer or officers of the customs or excise,

How officers are to proceed when they suspect wine is fraudulenty deposited.

before

before one or more justice or justices of the peace for the county, riding, division, or place, where such officer or officers shall suspect the same to be deposited, hid, or concealed, setting forth the ground of his or their suspicion, it shall and may be lawful to and for the said commissioners, or any two or more of them, or the justice or justices of the peace respectively, as the case may require, before whom such oath shall be made, if they or he shall judge it reasonable, by special warrant or warrants under his and their respective hands and seals, to authorize and impower such officer or officers, by day or by night, but, if in the night time, in the presence of a constable or other lawful officer of the peace, to enter into all and every such place or places, where he or they shall so suspect such foreign wine to be so fraudulently deposited, hid, or concealed, and seize and carry away all such foreign wine, which he or they shall then and there find so fraudulently deposited, hid, or concealed, as forfeited, together with all the casks, bottles, jars, vessels, and packages wherein the same shall be contained.

Officers of excise may go on board ships, and search them, in like manner as officers of the customs.

XLIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the officers of excise, or any of them, to go on board, and enter into any ship or vessel whatsoever, which shall be within the limits of any of the ports of this kingdom, or within four leagues of the coast thereof, and to continue on board the same, and to examine and search, in like manner as the officers of the customs may now legally do, for all foreign wine whatsoever, and to seize for his Majesty's use all such foreign wine there found, as by the laws thereunto relating shall be forfeited, together with the casks, bottles, jars, vessels, and packages containing the same, and also such ship or vessel, if the same shall be forfeited for or on account of such wine.

Persons attempting to corrupt officers forfeit 100l.

XLIV. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall give, or offer to give, any bribe, recompence, or reward whatsoever, to any officer or officers of excise, to connive at or permit any foreign wine to be run on shore, or to connive at any false or short entry of any such foreign wine; or shall give or offer to give, any bribe, recompence, or reward whatsoever, in order to corrupt, persuade, or prevail upon any such officer or officers, either to do or perform any act or acts, thing or things whatsoever, contrary to the duty of such officer or officers in execution of this act, or to neglect to do or perform any act or acts, thing or things, whatsoever, belonging or appertaining to the business and duty of such officer and officers in execution of this act, or to connive at or conceal any fraud or frauds relating to the duties on foreign wines, or not to discover the same, every such person or persons shall, for every such offence, whether the same offer or proposal be accepted or not, forfeit and lose the sum of one hundred pounds.

Persons obstructing officers in the

XLV. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall assault, resist, oppose,

execution of their duty, etc. forfeit 100l.

oppose, molest, obstruct, or hinder any officer or officers of excise in the due execution of this act, or of any of the powers or authorities hereby given or granted to any such officer or officers, or shall by force or violence rescue, or cause to be rescued, any foreign wine, after the same shall have been seized by such officer or officers as aforesaid, or shall attempt or endeavour so to do, or, after such seizure, or whilst any such officer or officers is or are attempting to seize any such foreign wine, shall stave, break, or otherwise destroy or damage any cask, vessel, bottle, jar, or other package wherein the same shall be contained, all and every person or persons so offending shall, for every such offence, for which no other penalty is particularly provided by this act, forfeit and lose the sum of one hundred pounds.

No drawback to be allowed on the exportation of wine, unless the regulations herein prescribed are conformed to.

XLVI. And be it further enacted by the authority aforesaid, That no drawback of any duty on any foreign wine whatsoever shall be allowed, upon the exportation of such wine from this kingdom, unless such wine shall be exported under and subject to the rules, regulations, terms, conditions, and directions herein-after mentioned and prescribed, over and besides the rules, regulations, terms, conditions, and directions, other than where the same are altered by this act, now commonly practised or enforced by the officers of the customs, upon the exportation of such wine, in order to obtain the drawback or drawbacks upon the exportation thereof; (that is to say), The person or persons intending to ship and export any such wine shall, in case such wine is intended to be packed up for exportation, give six hours notice in writing, in case such wine is intended to be packed up within the limits of the chief office of excise in *London*, and twelve hours notice in writing, in case such wine is intended so to be packed up in any place out of the said limits in *Great Britain*, of his intention to pack up any such wine for exportation, and of the time and place when and where the same is intended to be packed up, to the officer or officers of excise who shall be appointed for that purpose by the respective commissioners of excise in *England* and *Scotland*, or the major part of them for the time being, of the particular port or place to which such wine is intended to be exported, and of the quantity of such wine so to be shipped and exported; and if the same be *French* wine, whether it is *French* red wine, or *French* white wine, or, if such wine so to be shipped and exported be foreign wine, other than *French* wine, whether the same is foreign red wine, not *French*, or foreign white wine, not *French*; and such officer or officers shall attend to see such wine packed up, and the same shall be packed up in the presence of such officer or officers, and shall be secured with such fastenings, and sealed with such seal or mark, and in such manner, as the said respective commissioners of excise, or the major part of them, shall direct; and the officer or officers who shall have seen such wine packed up, shall take an account of the quantity of such wine so intended to be exported, and in such account shall specify (if the same be *French* wine) whether the same is *French* red wine

or

or *French* white wine, or, if such wine so intended to be exported be not *French* wine, whether the same be foreign red wine, not *French*, or foreign white wine, not *French*, and such officer or officers shall make a return thereof to the officer who shall be appointed by such respective commissioners of excise, or the major part of them, to receive the same, at the port of exportation, without any fee or reward for so doing; and the person or persons intending to ship any foreign wine for exportation, shall give six hours notice in writing, within the limits of the said chief office, and twelve hours notice in writing in other places in *Great Britain*, of the time and place of shipping such wine, unto such officer or officers of excise of the place where the same shall be shipped, as shall be appointed for that purpose by the said respective commissioners, or the major part of them for the time being, and of the name of the ship or vessel in which the same is intended to be shipped and exported, and of the master or commander thereof, and of the particular port or place to which wine is intended to be exported, and of the quantity of such wine so to be shipped and exported; and if such wine be *French* wine, whether the same be *French* red wine or *French* white wine; and if such wine, so to be shipped and exported, be not *French* wine, whether the same is foreign red wine, not *French*, or foreign white wine, not *French*; and if any such foreign wine so intended to be packed for exportation, shall not be begun to be packed, or if any such foreign wine, so intended to be exported, shall not be begun to be shipped, at the time mentioned for the respective purposes aforesaid in such notice respectively, or within one hour after such time, then such respective notices shall be void, and the like respective notices in writing shall be again given unto such officer or officers, previous to the packing up of such wine for exportation, or previous to the shipping of any foreign wine for exportation, as the case may require.

Packages, sealed for exportation, not to be opened, etc. on penalty of 50l.

XLVII. And be it further enacted by the authority aforesaid, That if any person or persons (save and except the proper officer of the customs, and the officer of excise, at the port of exportation herein-after mentioned), shall open any such package, after the same has been so secured and sealed as aforesaid, or shall wilfully destroy or deface such seal or mark, every such person and persons, so offending, shall forfeit and lose, for every such offence, the sum of fifty pounds.

Bond to be given for exportation of wine, and oath made that the duties thereon have been paid.

XLVIII. Provided always, and be it further enacted by the authority aforesaid, That the exporter of any such foreign wine shall also, before the shipping the same, give bond, with sufficient security, to be approved of by the respective commissioners of excise in *England* and *Scotland*, or the major part of them, or the person by them appointed for that purpose, in treble the amount of all the duties intended to be drawn back on such exportation of such wine, that the particular wine so intended to be exported, and every part thereof shall (the danger of the seas and enemies excepted) be shipped and exported to the port

or place to which such wine is in such notice, in that behalf herein-before directed to be given, declared to be intended to be exported, and shall not be exported or carried to any other place or country whatsoever, and shall not be unshipped, unladed, or laid on land, or put on board any other ship, vessel, or boat, in *Great Britain*, (shipwreck or other unavoidable accident excepted); which bond the officer of excise of the port or place from whence such wine shall be exported, appointed for that purpose by the said respective commissioners of excise, or the major part of them for the time being, is hereby directed to take, in his Majesty's name, and to his Majesty's use; and the said exporter shall also, before the shipping of such foreign wine, make oath, that he believes the duties upon such foreign wine have been fully paid, which oath they the respective commissioners of excise, or any one or more of them for the time being, are, and the surveyor or supervisor, or other officer appointed for that purpose by the said respective commissioners of excise, or the major part of them, for the time being, is hereby authorised and required to administer; and such respective commissioners of excise, or any one or more of them, or such surveyor or supervisor, or other officer, being satisfied of the truth of such oath, shall, within one month after the actual exportation of such wine, give to the said exporter, or his clerk or agent, a certificate or debenture, expressing the quantities of such wine so shipped; and, if such wine so shipped was *French* wine, whether the same was *French* red wine or *French* white wine; or if such wine so shipped was not *French* wine, whether the same was foreign red wine not *French*, or foreign white wine not *French*; and that all the duties hereby imposed on such wine have been paid for the same; and that bond, with sufficient security, hath been given, before the shipping the same, for the due exportation thereof; and such certificate or debenture being produced to the collector of excise of the port or place from whence such wines were so exported, he shall forthwith pay or allow the person or persons so exporting the same, or their agents, out of the duties by this act imposed on foreign wine, the following drawbacks or allowances, (that is to say);

Certificates of the quantity exported, etc. to be given to entitle exporter to the following drawbacks:

For every ton of French wine exported to America, or the East Indies, 19l. 13s. 1

For every ton to any other place, 11l. 5s.:

For every ton of other foreign wine to

For every ton of *French* wine, for which all duties due and payable in respect thereof have been fully paid, exported from this kingdom to any *British* colony or plantation in *America*, or to any part of the united states of *America*, or to any *British* settlement in the *East Indies*, as merchandize, the sum of nineteen pounds, thirteen shillings; and so in proportion for any greater or lesser quantity:

And for every ton of such *French* wine, exported from this kingdom to any other part or place beyond the seas, as merchandize, the sum of eleven pounds, five shillings; and so in proportion for any greater or lesser quantity:

And for every ton of foreign wine, other than *French* wine, for which all the duties due and payable in respect thereof have been

been fully paid, exported from this kingdom, to any *British* colony or plantation in *America*, or to any part of the united states of *America*, as merchandize, the sum of fourteen pounds, seven shillings; and so in proportion for any greater or lesser quantity: America, 14l. 7s.:

And for every ton of such foreign wine, other than *French* wine, exported from this kingdom to any *British* settlement in the *East Indies*, as merchandize, the sum of nine pounds, seventeen shillings; and so in proportion for any greater or lesser quantity: For every ton of other foreign wine to the East Indies, 9l. 17s.:

And for every ton of such foreign wine, other than *French* wine, exported as merchandize from this kingdom to any other part or place beyond the seas, the sum of five pounds, thirteen shillings; and so in proportion for any greater or lesser quantity. For every ton of other foreign wine to any other place, 5l 13s.

And if such collector of excise shall not have money in his hands to pay the same, then the respective commissioners of excise in *England* or *Scotland* are required to pay the said drawback or allowances out of any money in their hands, arising from the duties hereby imposed, or any of them: provided always, That it shall and may be lawful for the officer attending the shipping of such foreign wines, if he thinks it necessary, at the port or place of exportation, and also for the proper officer of the customs, if he shall think it necessary, upon the shipping any such wine for exportation, to open and examine such foreign wine as shall be so packed, in order that he may be satisfied that such wines are the same that are described in the account so sent by the officer in whose presence any such wine was so packed: provided always, That if, after the shipping any such foreign wine, and the giving such security as aforesaid, in order to obtain a drawback or allowance of any of the duties before paid thereupon, the same wine, or any part thereof, shall be unshipped, unladed, or laid on land, or put into any other ship, vessel, or boat, within this kingdom (shipwreck, or other unavoidable accident, excepted), that then, and in every such case, over and above the penalty of the bond, which shall be levied and recovered to his Majesty's use, all the said wine which shall be so unshipped, unladed, or laid on land, or put into any other ship, vessel, or boat, within *Great Britain* (shipwreck, or other unavoidable accident, excepted), or the value thereof, shall be forfeited, and may be seized by any officer or officers of excise. Drawbacks may be paid out of any monies arising from duties imposed by this act. Officers may open and inspect wine packed for exportation, and if any part be unshipped to be forfeited.

XLIX. And be it further enacted by the authority aforesaid, That such bond, herein-before directed to be given, shall be discharged in manner herein-after mentioned; (that is to say), For such of the said wines as shall be entered for, or landed in *Ireland*, the condition of the bond shall be, to bring in a certificate in discharge thereof, within six months from the date of the bond, and within twelve months for such of the said wines as shall be entered for, or landed in any other port or place in *Europe*; and within eighteen months for such of the said wines as shall be entered for, or landed in any of his How importation bonds are to be discharged.

Majesty's plantations in *America* or *Africa*, or any of the united states of *America*; and within twenty-four months for such of the said wines as shall be entered for, or landed in any port or place at or beyond the *Cape of Good Hope*; which said certificate for such wine as aforesaid as shall be landed in any port or place where any officer or officers of his Majesty's customs shall be resident, shall be signed by the proper officer or officers of his Majesty's customs there, importing that such wines were there landed, testifying the landing thereof; and if no officer of his Majesty's customs shall be resident in such port or place where such wines shall be landed, such certificate shall be signed by the *British* consul, or other person acting as such there, importing that such wines were there landed, testifying the landing thereof; and if no officer of his Majesty's customs, or *British* consul, or other person acting as such, shall be resident in such port or place where such wines shall be landed, such certificate shall be under the common seal of the chief magistrate in such port or place, or under the hands and seals of two known *British* merchants, then being at such port or place, that such wine was there landed; or such bond or bonds shall be discharged, upon proof, in either of the said cases, that such wines were taken by enemies, or perished in the seas, or by fire, or were spent and consumed on board the ship or vessel in which the same were exported during the voyage, the examination and proof thereof being left to the judgement of the said respective commissioners of excise, or the major part of them, for the time being.

Officer not entitled to reward, unless notice of seizure be given within 12 hours.

L. And be it further enacted by the authority aforesaid, That no officer of the customs shall be entitled to any reward given on the seizure of any wine by virtue of this act, unless notice of such seizure be by him given, within twelve hours next after such seizure, at the next office of excise, or to the supervisor of excise of the district where such seizure shall be made, who shall be obliged, on such notice, to take a particular account of the species and quantities of all such wine so seized; nor shall any such wine be afterwards removed without a permit or certificate signed by such officer of excise, or supervisor of the place or district from whence such wine is to be removed, under the penalties of such wine being forfeited, and the same shall and may be seized as forfeited by any other officer or officers of the customs, or by any officer or officers of excise.

Account of seized wine to be taken, and not removed without permit.

No dealer in wine to act as a justice of peace in matters concerning this act.

LI. And be it further enacted by the authority aforesaid, That no person whatsoever, being a dealer in or seller of foreign wine, or who is or shall be anyway interested or concerned in the trade or business of dealing in or selling wine, shall, during such time as he shall be so interested or concerned in the trade or business of dealing in or selling wine, act as a justice of the peace in any matter or thing whatsoever which shall anywise concern the execution of the powers or authorities given or granted by this act; and if any such person or persons shall, contrary to the true intent and meaning hereof, presume to exercise any such powers or authorities, or to do any act hereby authorised

authorised to be done by any justice or justices of the peace, all such acts, so executed or done by such person or persons, shall be utterly null and void, to all intents and purposes whatsoever.

LII. And be it further enacted by the authority aforesaid, That any person or persons who shall be convicted of wilfully taking a false oath, in any of the cases in which oaths are required to be taken by virtue of this act, shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

Persons taking false oaths to be deemed wilful perjurers.

LIII. And be it further enacted by the authority aforesaid, That all the monies arising by the duties imposed by this act, (all costs, charges, and expences, of raising, receiving, collecting, levying, accounting for, and paying the same, being first deducted), shall from time to time be paid by the said respective commissioners of excise into the receipt of the exchequer, and shall be applied to the same uses and purposes, and under such regulations, as the monies arising by the said additional impositions, rates, or duties, and additional impositions or duties upon the produce thereof, by this act repealed, where applicable unto before the passing of this act.

Duties to be paid into the exchequer, and applied to the purposes of the repealed duties.

LIV. And be it further enacted by the authority aforesaid, That all and every the powers, directions, rules, penalties, forfeitures, clauses, matters, and things, which in and by an act, made in the twelfth year of the reign of King *Charles* the Second, intituled, *An act for taking away the court of wards and liveries, and tenures* in Capite, *and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*, or by any other law now in force relating to his Majesty's revenue of excise upon beer, ale, and other liquors, are provided and established, for managing, raising, levying, collecting, mitigating, or recovering, adjudging or ascertaining the duties thereby granted, or any of them, (other than in such cases for which other penalties or provisions are made and prescribed by this act), shall be practised, used, and put in execution, in and for the managing, raising, levying, collecting, mitigating, recovering, and paying the said duties upon foreign wine hereby granted, as fully and effectually as if all and every the said powers, rules, directions, penalties, forfeitures, clauses, matters, and things, were particularly repeated and re-enacted in this present act.

Powers of act 12 Car. 2. c. 24, etc. to be put in force, where not hereby repealed.

LV. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures, imposed by this act, shall be sued for, recovered, levied, or mitigated, by such ways, means, or methods, as any fine, penalty, or forfeiture may be sued for, recovered, levied, or mitigated, by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland* respectively; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall inform, discover, or sue for the same.

How penalties are to be recovered and divided.

Limitation of actions.

LVI. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons, for any thing by him or them done in pursuance of this act, such action or suit shall be commenced within three months next after the matter or thing done, and shall be laid in the proper county, and the defendant or defendants in any such action or suit may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer or otherwise, then such defendant or defendants shall have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs.

General issue.

Treble costs

Probable causes or seizure to indemnify the officer.

LVII. And be it further enacted, by the authority aforesaid, That in case any information or suit shall be commenced and brought to trial, on account of the seizure of any wine seized as forfeited by virtue of this or any act or acts of parliament now in force, or hereafter to be made, relating to the duties on foreign wine, or of any ship, vessel, or boat, or of any horse, cattle, or carriage, used or employed in removing or carrying the same, wherein a verdict shall be found for the claimer thereof, and it shall appear to the judge or court, before whom the same shall be tried or heard, that there was a probable cause of seizure, the judge or court, before whom the same shall be tried or heard, shall certify that there was a probable cause for making such seizure, and in such case the claimant shall not be entitled to any costs of suit whatsoever, nor shall the person or persons who made such seizure be liable to any action, indictment, or other suit or prosecution, on account of such seizure; and that in case any action, indictment, or prosecution, shall be commenced and brought to trial against any person or persons whatsoever, on account of the seizing any such wine, or of any such ship, vessel, boat, horse, cattle, or carriage, used or employed in removing or carrying the same, whether any information shall be brought to trial to condemn the same or not, and a verdict shall be given against the defendant or defendants, if the court or judge before whom such action, indictment, or prosecution, shall be tried, shall certify that there was a probable cause for such seizure, then the plaintiff, besides the thing so seized, or the value thereof, shall not be entitled to above two-pence damages, nor to any costs of suit, nor shall the defendant in such prosecution be fined above one shilling.

No process to be sued out till a month's notice has been given.

LVIII. And be it further enacted by the authority aforesaid, That no writ or process shall be sued out against any officer or officers of the customs or excise, or against any person or persons acting by his or their order, and in his or their aid, for any thing done in the execution, or by reason of this act, until one calendar month next after notice in writing shall have been delivered to him or them, or left at the usual place of his or their

their abode, by the attorney or agent for the person or persons who intends or intend to sue out such writ or process as aforesaid; in which notice shall be clearly and explicitly contained the cause of action, the name and place of abode of the person or persons in whose name such action is intended to be brought, and the name and place of abode of the said attorney or agent; and that a fee of twenty shillings, and no more, shall be paid for the preparing and serving of every such notice. Fee of notice.

LIX. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any such officer or officers, or other person or persons acting in his or their aid, to whom such notice shall be given as aforesaid, at any time within one calendar month after such notice shall be given, to tender amends to the person or persons complaining, or to his, her, or their agent or attorney, and in case such amends are not accepted, to plead such tender in bar to any action to be brought against him or them, grounded on such writ or process, together with the plea of not guilty, and any other plea or pleas, with leave of the court in which such action shall be brought; and if, upon issue joined thereon, the jury shall find the amends so tendered to have been sufficient, then they shall give a verdict for the defendant or defendants; and in such case, or in case the plaintiff or plaintiffs shall become nonsuited, or discontinue such action, or in case judgement shall be given for such defendant or defendants upon demurrer, then such defendant or defendants shall be entitled to the like costs as he or they would have been entitled to in case he or they had pleaded the general issue only; and if upon issue so joined the jury shall find that no amends were tendered, or that the same were not sufficient, and also against the defendant or defendants in such other plea or pleas, then they shall give a verdict for such plaintiff or plaintiffs, and such damages as they shall think proper. Tender of amends to be pleaded in bar of action. Costs.

LX. Provided always, and be it further enacted by the authority aforesaid, That no plaintiff or plaintiffs, in any case where an action shall be grounded on any act done by the defendant or defendants, shall be permitted to produce any evidence of the cause of such action, except such as shall be contained in the notice to be given as aforesaid, or shall recover any verdict against such officer or officers, or person or persons acting in his or their aid, unless it shall be proved on the trial of such action that such notice was given, and that in default of such proof the defendant or defendants in such action shall recover a verdict and costs as aforesaid. No evidence to be produced except that contained in the notice, etc.

LXI. And be it further enacted by the authority aforesaid, That in case any such officer or officers, or others acting in his or their aid, shall neglect to tender any amends, or shall have tendered insufficient amends, before the action brought, it shall and may be lawful for him or them, by leave of the court in which such action shall be brought, at any time before issue joined, to pay into court such sum of money as he shall see fit, Money may be paid into court as amends.

whereupon such proceedings, orders, and judgements, shall be had, made, and given, in and by such court, as in other actions where the defendant is allowed to pay money into court.

A noli prosequi may be entered where penalties have been unintentionally incurred.

LXII. And be it further enacted, That in case any prosecution shall be commenced by any officer or officers of the customs or excise for the recovery of any penalty incurred by virtue of this act, it shall and may be lawful for his Majesty's attorney general, in case it shall appear to his satisfaction that such penalty was incurred without any intention of fraud, to stop all further proceedings, by entering a *noli prosequi*, or otherwise, upon every such information, as well with respect to the share of such forfeiture to which any officer or officers of his Majesty's revenue shall be or may claim to be entitled, as to the share thereof to his Majesty belonging.

Goods unintentionally forfeited, may be restored on conditions, but the proprietors not be entitled to damages.

LXIII. And be it further enacted by the authority aforesaid, That in case any goods or commodities whatever, or any ships, vessels, boats, horses, cattle, or carriages, shall be seized as forfeited, by virtue or in pursuance of this act; it shall and may be lawful for the commissioners of the customs or excise respectively, on evidence given to their satisfaction, that the forfeiture arose without any design or intention of fraud in the proprietor or proprietors of such goods or commodities, ships, vessels, boats, horses, cattle, or carriages, to order the same to be restored to such proprietor or proprietors, in such manner and on such terms and conditions as under the circumstances of the case shall appear to the said commissioners of the excise and customs respectively to be reasonable, and as they shall think fit to direct; and if the said proprietor or proprietors shall comply with the terms and conditions prescribed by such commissioners respectively, it shall not be lawful for the officer or officers who shall seize such goods or commodities, ships, vessels, boats, horses, cattle, or carriages, or any other person or persons whatever, on his or their behalf, to proceed in any manner for the condemnation thereof; but if such proprietor or proprietors shall not comply with the terms and conditions prescribed by the said commissioners respectively, such officer or officers shall be at liberty, and is and are hereby authorised to proceed for the condemnation of such goods or commodities, ships, vessels, boats, horses, cattle, or carriages, as if this law had not been made; and if such proprietor or proprietors shall accept the terms and conditions prescribed by the said commissioners of the customs and excise, such proprietor or proprietors shall not have, or be entitled to any recompence or damage on account of the seizure or detention of such goods or commodities, ships, vessels, boats, horses, cattle, or carriages, or have or maintain any action whatever for the same; any law, custom, or usage to the contrary notwithstanding.

Recital of act 23 Geo. 3. c. 76.; and

LXIV. *And whereas, by an act made in the twenty-third year of the reign of his present Majesty, intituled,* An act for the better preventing frauds in the landing and removing of wines in this kingdom, and to prevent the relanding of refined sugar, entered for

for exportation, to obtain the drawback or bounty; *it was enacted, That, from and after the first day of* September, *one thousand seven hundred and eighty-three, no wine of any sort, in any hogshead, or other cask whatsoever, should be removed or carried, either by land or by water, from any outport, creek, or haven, in* Great Britain, *not being within the limits of the port of* London, *to any other town, port, or place whatsoever, within the same kingdom, without a certificate first had and obtained from the collector and comptroller, or the chief officer of the customs at or nearest to the town, port, or place from which such wine was intended to be so removed, certifying that the duties due and payable for such wine had been paid at the port or place of importation, or that the same was wine sold for salvage, or that the same had been compounded for, or condemned, as the case might be, referring to the time when, and the place where, such wine was entered, sold, compounded for, or condemned, and expressing the quantity and sort of wine, with the marks of the package thereof, to what place, and to whom the same was consigned, and by what carriage, and by whom the same was intended to be removed, which facts should be verified by the oath of the importer or proprietor of such wine; and if the wine was to be removed by land, the certificate should also express and limit the time for which such certificate should continue in force: and whereas by an other act, made in the twenty-fourth year of the reign of his said Majesty, intituled,* An act to revive and continue several laws relating to the allowing the exportation of certain quantities of wheat, and other articles, to his Majesty's sugar colonies in *America*; and to the allowing a drawback of the duties on rum shipped as stores to be consumed on board merchant ships on their voyages; and to extend the provisions of an act of the twenty-third year of his present Majesty, relative to the removal of wine in casks, to wine removed in bottles, and other packages; *reciting the said clause herein-before recited of the said act, made in the twenty-third year of his said present Majesty's reign, and that great quantities of wine which had been clandestinely imported into the out-ports of this kingdom, and run on shore without payment of the duties due for the same, had been afterwards removed from thence to other parts within this kingdom, and into the port of* London, *in bottles and other small packages, it was enacted, That, from and after the twentieth day of* September, *one thousand seven hundred and eighty-four, the said in part recited act, and every clause and matter therein, so far as the same related to the removal of wine in hogsheads or other casks, or inflicted any penalty or forfeiture upon the removal of such wine without such certificate, or upon persons who should falsely make oath to any of the facts therein required to be sworn, or who should forge, counterfeit, erase, alter, or falsify any certificate, or knowingly make use of any certificate so forged, counterfeited, erased, altered, or falsified, should extend, and be construed to extend, in like manner, to the removal of any sort of wine in bottles, or any other packages whatsoever, as fully, to all intents and purposes, as if the several clauses, restrictions, penalties, and forfeitures relative thereto were again repeated and re-enacted in that act: and whereas the good purposes by the said clauses intended,*

Act 24 Geo. 3. sess. 2. c. 50.

Clauses of the recited acts.

forbidding the removal of wine from any out port without certificates, repealed.

intended, will be effectually answered by the provisions of this act, and the said clauses will therefore be unnecessary to be continued in force; be it therefore enacted by the authority aforesaid, That the said recited clauses shall be, and the same are hereby repealed.

Commencement of this act.

LXV. And be it further enacted by the authority aforesaid, That this act shall commence and take effect, as to all such matters and things therein contained in respect whereof no special commencement is hereby directed or provided, from and immediately after the fifth day of *July*, one thousand seven hundred and eighty-six.

Bonthouse v. Hay 8 Price 266.

CAP. LX.

An act for the further increase and encouragement of shipping and navigation.

Preamble.

WHEREAS *the wealth and strength of this kingdom, and the prosperity and safety of every part of the* British *empire, greatly depend on the encouragement given to shipping and navigation: and whereas it is proper that the advantages hitherto given by the legislature to ships owned and navigated by his Majesty's subjects should from henceforth be confined to ships wholly built and fitted out in his Majesty's dominions:* be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That,

From Aug. 1, 1786, no ship built out of his Majesty's dominions except prizes, shall be entitled to the privileges of a British ship; but foreign ships, built before May 1, 1786, not hereby to be deprived of the privileges they now enjoy, &c.

from and after the first day of *August*, one thousand seven hundred and eighty-six, no ship or vessel foreign-built (except such ships or vessels as have been or shall hereafter be taken by any of his Majesty's ships or vessels of war, or by any private or other ship or vessel, and condemned as lawful prize in any court of admiralty), nor any ship or vessel built or rebuilt upon any foreign-made keel or bottom, in the manner heretofore practised and allowed, although owned by *British* subjects, and navigated according to law, shall be any longer entitled to any of the privileges or advantages of a *British*-built ship, or of a ship owned by *British* subjects; and that all the said privileges and advantages shall hereafter be confined to such ships only as are wholly of the built of *Great Britain* or *Ireland*, *Guernsey*, *Jersey*, and the *Isle of Man*, or of some of the colonies, plantations, islands, or territories in *Asia*, *Africa*, or *America*, which now belong, or at the time of building such ships or vessels did belong, or which may hereafter belong to, or be in the possession of his Majesty, his heirs or successors: provided always, That nothing herein-before contained shall extend, or be construed to extend, to prohibit such foreign-built ships or vessels only as, before the first day of *May*, one thousand seven hundred and eighty-six, did truly and without fraud wholly belong to any of the people of *Great Britain* or *Ireland*, *Guernsey*, *Jersey*, and the *Isle of Man*, or of any of the aforesaid colonies, plantations, islands, or territories, s the proprietors and right owners thereof, and

which

which shall be navigated according to law, and shall also be registered in manner herein-after directed, from continuing to enjoy the privileges and advantages they have hitherto enjoyed, or from importing or exporting such goods or commodities as may now be legally imported or exported by such ships or vessels, into and from such ports and places as is now by law allowed, and under such rules, regulations, and restrictions as have heretofore been made touching such foreign-built ships or vessels, and subject and liable to all such duties as have been imposed on any goods or commodities imported or exported as aforesaid in such foreign-built ships or vessels, by any act or acts of parliament: and provided also, That nothing herein contained, shall extend or be construed to extend, to deprive any ship or vessel, which before the passing of this act hath been built or rebuilt upon any foreign-made keel or bottom, and which, before the said first day of *May*, one thousand seven hundred and eighty-six, was duly registered as a *British* ship, from continuing to enjoy any privilege or advantage to which such ship or vessel is now by any law or usage entitled; nor to prevent any such ship or vessel which shall have been begun to be repaired or rebuilt before the said first day of *May*, one thousand seven hundred and eighty-six, from being registered according to, and in pursuance of this act, by an order under the hands of the commissioners of his Majesty's customs in *England*, or any four or more of them, or of the commissioners of his Majesty's customs in *Scotland*, or any three or more of them; which order the said commissioners respectively are hereby authorised and impowered to grant, if it shall be made appear to the satisfaction of the said commissioners respectively upon oath, that such ship or vessel was stranded by the act of providence, and not with a fraudulent intent, and was, at the time of being so stranded, the sole property of some foreigner or foreigners; or that such ship or vessel was a droit of admiralty, and it be in like manner fully and clearly ascertained, to the satisfaction of such commissioners respectively, that the said ship or vessel, from the damage received by being so stranded, was rendered unfit to proceed to sea without undergoing a thorough repair in this kingdom, and that she was necessarily sold for the benefit of the foreign owner or owners, or, being a droit of admiralty, was sold by virture and under the authority of an order or commission from the court of admiralty, and that she was fairly and openly purchased by a *British* subject or subjects, and, being the sole and intire property of such *British* subject or subjects, that she hath been so much repaired that two-thirds of her at the least are of *British*-built.

No ship rebuilt, or where repairs exceed 15s. per ton, in a foreign port, to be deemed British-built.

II. And be it further enacted by the authority aforesaid, That, from and after the first day of *August*, one thousand seven hundred and eighty-six, no ship or vessel shall be deemed or taken to be *British*-built, or enjoy the privileges thereunto belonging, which shall from thenceforth be rebuilt or repaired in any foreign port or place, if such repairs shall exceed the sum of fifteen

fifteen shillings for every ton of the said ship or vessel according to the admeasurement thereof, unless such repairs shall be necessary by reason of extraordinary damage sustained by such ship or vessel during the absence of such ship or vessel from his Majesty's dominions, to enable her to perform the voyage in which she shall be then engaged, and to return in safety to some port or place of the said dominions; and that before such ship or vessel shall be repaired, so as to exceed the sum aforesaid, the master, or other person having or taking the charge or command of such ship or vessel, shall report the state and condition thereof upon oath, or (being a quaker) upon affirmation, to the *British* consul, or other chief *British* officer, if there shall be such consul or officer at the port where it shall be necessary to repair such ship or vessel, and shall cause such ship or vessel to be surveyed by two fit and proper persons to be approved of by such consul or chief *British* officer; and shall deliver to such consul or chief *British* officer, in writing, the particulars of the damage sustained by such ship or vessel, and shall verify upon oath, or (being a quaker) upon affirmation, (to be administered by such consul or chief *British* officer), the particulars and amount of the repairs of such ship or vessel; and that the same were become necessary in consequence of damage sustained during the voyage to that port, to enable such ship or vessel to prosecute the voyage then intended, and to return to some port or place of his Majesty's dominions, which the said consul, or chief *British* officer, is hereby required to certify under his hand and seal; and if there shall not be any *British* consul, or chief *British* officer, resident at or near the port or place where such repairs may be necessary, then that such survey shall be made by two fit and proper persons, to be approved of by two known *British* merchants residing at or near such port or place; and that such master, or other person having or taking the charge or command of such ship or vessel, shall produce to such merchants as aforesaid, vouchers of the particulars and amount of the repairs of such ship or vessel, whose certificate of the same shall be of the like force and effect as that of the *British* consul, or chief *British* officer resident in any foreign port or place; and in case any ship or vessel shall, after the said first day of *August*, one thousand seven hundred and eighty-six, be repaired in any foreign port or place, the master, or other person having or taking the charge or command thereof, shall make proof on oath, or (if a quaker) by affirmation, before the collector and comptroller, or other principal officer of the customs in the port of his Majesty's dominions where the said ship or vessel may first arrive (if required by them so to do; which oath or affirmation the said collector and comptroller, or other principal officer, or either of them, is and are hereby authorised and impowered to administer), describing the nature and amount of the charge or expence of such repairs; and if such charge or expence shall appear to exceed the before-mentioned sum of fifteen shillings for every ton of the admeasure-

Exception in favour of extraordinary damages sustained on voyages.

Expences of repairs to be certified, on arrival, to an officer of the customs.

admeasurement of such ship or vessel, and the said master, or other person having or taking the charge or command of such ship or vessel, shall neglect or refuse to deliver to such collector and comptroller, or principal officer of the customs, or to one of them, the certificate so required to be produced in such cases as aforesaid, the said ship or vessel shall be deemed and taken to be a foreign-built ship or vessel, to all intents and purposes whatever.

III. *And whereas it is highly expedient that the provisions made for the registry of ships and vessels by an act, made and passed in the seventh and eighth years of the reign of his late majesty King* William *the Third, (intituled,* An act for preventing frauds, and regulating abuses in the plantation trade), *should be altered and amended, and that the same should be extended and applied to ships and vessels other than those which are therein particularly described*; be it therefore enacted, That all and every ship or vessel having a deck, or being of the burthen of fifteen tons, or upwards, belonging to any of his Majesty's subjects in *Great Britain*, or *Guernsey*, *Jersey*, and the *Isle of Man*, or of any of the aforesaid colonies, plantations, islands, or territories, shall, from and after the respective times herein-after expressed, be registered in manner herein-after mentioned; and that the person or persons claiming property therein shall cause the same to be registered, and shall obtain a certificate of such registry from the collector and comptroller of his Majesty's customs in *Great Britain* or the *Isle of Man*, or from the governor, lieutenant governor, or commander in chief, and principal officer or officers of his Majesty's revenue of customs, residing in the islands of *Guernsey* or *Jersey*, or in any of the said colonies, plantations, islands, or territories, respectively, in manner herein-after directed; and that the form of such certificate shall be as follows; *videlicet*:

Provisions of act 7 & 8 Gul. 3. c. 22. to be extended to vessels of 15 tons, and upwards, and certificates of registry obtained.

In pursuance of an act, passed in the twenty-sixth year of the reign of King George *the Third, intituled,* An act [here insert the title of the act, the names, occupation, and residence, of the subscribing owners], *having taken and subscribed the oath required by this act, and having sworn that he,* [or, *they,*] *together with* [names, occupation, and residence of non-subscribing owners,] *is* [or *are*] *sole owner* [or, *owners*] *of the ship or vessel called the* [ship's name] *of* [place to which the vessel belongs], *whereof* [master's name] *is at present master, and that the said ship or vessel was* [when and where built, or captured, and date of condemnation]; *and* [name and employment of the surveying officer] *having certified to us that the said ship or vessel is* [whether British, Foreign, or British plantation built], *has* [number of decks] *decks, and* [number of masts] *masts, that her length, from the fore part of the main stem to the after part of the stern post aloft, is* [number of feet and inches], *her breadth at the broadest part, whether above or below the main wales,* [number of feet and inches], *her heighth between decks* [number of feet and inches, if more than one deck, and if not, then] *the depth*

Certificate of British registry.

depth of the hold [number of feet and inches], *and admeasures* [burthens] *tons that she is a* [kind of vessel, and how built], *has* [whether any or no gallery] *gallery, and* [kind of head, if any] *head; and the said subscribing owners having consented and agreed to the above description and admeasurement, and having caused sufficient security to be given, as is required by the said act, the said* [kind and name of the vessel] *has been duly registered at the port of* [name of the port].

Given under our hands and seals of office, at the custom-house in the said port of [name of the port], *this* [date] *day of* [name of the month], *in the year* [words at length].

No registry made, &c. but at the port to which a vessel belongs, except for prizes condemned at Guernsey, etc. unless authorised by the commissioners of the customs.

IV. And be it further enacted by the authority aforesaid, That no such registry shall hereafter be made, or certificate thereof granted, by any person or persons herein-before authorised to make such registry, and grant such certificate, in any other port or place than the port or place to which such ship or vessel shall properly belong, except so far as relates to such ships or vessels as shall be condemned as prizes in any of the islands of *Guernsey*, *Jersey*, or *Man*, which ships or vessels shall in future be registered in manner herein-after directed; but that all and every registry and certificate granted in any port or place to which any such ship or vessel does not properly belong, shall be utterly null and void, to all intents and purposes, unless the officers aforesaid shall be specially authorised and impowered to make such registry, and grant such certificate, in any other port, by an order in writing under the hands of any four or more of the commissioners of his Majesty's customs in *England*, or of any three or more of the commissioners of his Majesty's customs in *Scotland*, for the time being, which order the said commissioners are hereby respectively authorised and impowered to issue, in manner aforesaid, if they shall see fit.

The port from and to which a ship usually trades, to be deemed her port.

V. And be it further enacted by the authority aforesaid, That the port to which any ship or vessel shall hereafter be deemed and taken to belong, within the intent and meaning of this act, shall be, and is hereby declared to be, the port from and to which such ship or vessel shall usually trade, or (being a new ship) shall intend so to trade, and at or near which the husband, or acting and managing owner or owners of such ship or vessel usually resides or reside.

No registry to be required for any vessels belonging to the royal family.

VI. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to require to be registered, according to the directions of this act, any ship or vessel of war, or any other vessel, of whatever built the same may be, or under whatever description the same may fall, being the property of his Majesty or the royal family, or any of them, or any lighters, barges, boats, or vessels of any built or description whatever, used solely in rivers or inland navigation.

No ship built in the united states of America, etc. during the existence of any prohibitory acts, entitled to be registered.

VII. And it is hereby declared, That no ship or vessel built in any of the colonies of *North America*, now called, *The United States of America*, during the time that any act or acts of parliament made in *Great Britain*, prohibiting trade and intercourse with those colonies, was or were in force, nor any ship or vessel which was owned by, or belonged to the subjects of the said united states, or of any of the said states respectively, during the existence of those acts, and not registered before the commencement thereof, is or shall be entitled to be registered under this present act, or to any of the privileges or advantages of a *British* built ship or vessel, unless such ship or vessel shall have been taken and condemned as lawful prize, or, having been stranded, shall have been built or rebuilt, and registered in the manner heretofore practised and allowed.

No subject residing out of his Majesty's dominions, to be entitled to be the owner of any ship, authorized to be registered, except a member of a factory, etc.

VIII. And be it enacted by the authority aforesaid, That no subject of his Majesty, his heirs and successors, whose usual residence is in any country not under the dominion of his Majesty, his heirs and successors, shall be deemed or intitled, during the time he shall continue so to reside, to be the owner in whole or in part of any *British* ship, or vessel, required and authorised to be registered by virtue of this act, unless he be a member of some *British* factory, or agent for, or partner in, any house or copartnership, actually carrying on trade in *Great Britain* or *Ireland*.

Oath required by the recited act of Gul. 3. repealed.

IX. And be it further enacted by the authority aforesaid, That so much of the said recited act passed in the seventh and eighth years of the reign of his late majesty King *William* the Third, as directs the oath therein contained to be taken on registering the ships and vessels therein described, shall be, and the same is hereby repealed.

No registry to be made, etc. till the following oath be taken.

X. And be it also enacted by the authority aforesaid, That no registry shall henceforth be made, or certificate granted, until the following oath be taken and subscribed before the person or persons herein-before authorised to make such registry, and grant such certificate respectively, (which they are hereby respectively impowered to administer) by the owner of such ship or vessel, if such ship or vessel is owned by or belongs to one person only; or, in case there shall be two joint owners, then by both of such joint owners, if both shall be resident within twenty miles of the port or place where such register is required, or by one of such owners, if one or both of them shall be resident at a greater distance from such port or place; or if the number of such owners or proprietors shall exceed two, then by the greater part of the number of such owners or proprietors, if the greater number of them shall be resident within twenty miles of such port or place as aforesaid, not in any case exceeding three of such owners or proprietors, or by one of such owners, if all shall be resident at a greater distance.

I A. B. *of* [place of residence and occupation] *do make oath, That the ship or vessel* [name] *of* [port or place] *whereof* [master's

ster's name] *is at present master, being* [kind of built, burthen, *&c.* as described in the certificate of the surveying officer] *was* [when and where built, or if prize, capture, and condemnation] *and that I the said* A.B. [and the other owners names and occupations, if any, and where they respectively reside, *videlicet*, Town, place or parish, and county, or if member of, and resident in any factory in foreign parts, or in any foreign town or city, being an agent for, or partner in any house, or copartnership actually carrying on trade in *Great Britain* or *Ireland*, the name of such factory, foreign town or city, and the names of such house or copartnership] *am* [or *are*] *sole owner* [or *owners*] *of the said vessel, and that no other person or persons whatever hath or have any right, title, interest, share, or property therein or thereto; and that I the said* A. B. [and the said other owners, if any] *am* [or *are*] *truly and* bona fide *a subject* [or *subjects*] *of* Great Britain; *and that I the said* A. B. *have not* [nor have any of the other owners, to the best of my knowledge and belief] *taken the oath of allegiance to any foreign state whatever* [except under the terms of some capitulation, describing the particulars thereof], *or that since my taking* [or his or their taking] *the oath of allegiance to* [naming the foreign states respectively to which he or any of the said owners shall have taken the same] *and prior to the passing of an act in the twenty-sixth year of the reign of King* George *the Third*, (*intituled*, An act for the further increase and encouragement of shipping and navigation), *I have* [or he or they hath or have] *become a subject* [or *subjects*] *of* Great Britain [either by his Majesty's letters patent, as a denizen or denizens, or naturalized by act of parliament, as the case may be, naming the dates of the letters of denization, or the act or acts of parliament for naturalization respectively] *or* [as the case may be] *I have* [or he or they hath or have] *become a denizen* [or *denizens*, or *naturalized subject* or *subjects*, as the case may be] *of* Great Britain, *by his Majesty's letters patent, or by an act of parliament passed since the first day of* January, *one thousand seven hundred and eighty-six*, [naming the times when such letters of denization have been granted respectively, or the year or years in which such act or acts for naturalization have passed respectively], *and that no foreigner, directly or indirectly, hath any share or part or interest in the said ship or vessel.*

Addition to be made to the oath when the requisite number of members do not attend.

XI. And be it further enacted by the authority aforesaid, That, in case the number of joint owners or proprietors of any ship or vessel shall amount to three or more, and three of such joint owners or proprietors shall not personally attend to take and subscribe the oath herein-before directed to be taken and subscribed, then, and in such case, such owner or owners, proprietor or proprietors as shall personally attend, and take and subscribe the oath aforesaid, shall further make oath, that the part owner or part owners of such ship or vessel then absent is or are not resident within twenty miles of such port or place, and hath or have not, to the best of his or their knowledge or belief,

belief, wilfully absented himself or themselves, in order to avoid the taking the oath herein-before directed to be taken and subscribed, or is or are prevented by illness from attending to take and subscribe the said oath.

XII. *And, in order to enable the proper officer or officers of his Majesty's customs to grant a certificate, truly and accurately describing every ship or vessel to be registered in pursuance of this act, and also to enable all other officers of his Majesty's customs, on due examination, to discover whether any such ship or vessel is the same with that for which a certificate is alledged to have been granted*; be it enacted by the authority aforesaid, That, previous to the registering or granting of any certificate of registry as aforesaid, some one or more proper person or persons, appointed by the commissioners of his Majesty's customs in *England* and *Scotland*, or by the governor, lieutenant governor, or commander in chief for the time being in the islands of *Guernsey*, *Jersey*, and *Man*, or of the colonies, plantations, islands, or territories aforesaid respectively (taking to his or their assistance, if he or they shall judge it necessary, one or more person or persons skilled in the building and admeasurement of ships) shall go on board of every such ship or vessel as is to be registered, and shall strictly and accurately examine and admeasure every such ship or vessel, as to all and every particular contained in the form of the certificate herein-before directed, in the presence of the master, or of any other person who shall be appointed for that purpose on the part of the owner or owners, or, in his or their absence, by the said master, and shall deliver a true and just account in writing of all such particulars of the built, description, and admeasurement of every such ship or vessel as are specified in the form of the certificate above recited, to the person or persons who shall be authorised as aforesaid to make such registry and grant such certificate of registry; and the said master, or other person attending on the part of the owner or owners, is hereby required to sign his name also to the certificate of such surveying or examining officer in testimony of the truth thereof, provided such master or other person shall consent and agree to the several particulars set forth and described therein.

Ships to be examined, etc. before certificates are granted, etc.

XIII. And be it also enacted by the authority aforesaid, That if such person or persons so appointed to examine and admeasure such ships or vessels as aforesaid, shall wilfully deliver to any person or persons authorised to make registry and grant certificates of registry as aforesaid, a false description of any of the particulars hereby required to be contained in such certificate; or if any person or persons herein-before authorised to make such registry, and grant such certificates of registry, shall knowingly make any false register, or grant any false certificate, in regard to any of the particulars required by this present act, he or they, on being convicted thereof by due course of law, in any of his Majesty's courts of record at *Westminster*, in the court of justiciary, or the court of exchequer in *Scotland*, or in any court of record in the said colonies, plantations, islands, or territories,

Persons giving false descriptions, or making false registries, etc. of ships, forfeit 100l.

or in the royal court in *Guernsey* or *Jersey*, or in the superior court of justice in the *Isle of Man*, as the case may be, shall respectively forfeit the sum of one hundred pounds, and be for ever incapable of holding or enjoying any office or employment under his Majesty.

Method of ascertaining the tonnage, when vessels are afloat.

XIV. *And whereas the officer or officers so appointed to examine and admeasure such ships and vessels as aforesaid, may not always be enabled to cause such ship or vessel to be laid on shore, for the purpose of ascertaining her tonnage, according to the rule now by law prescribed for that purpose: and whereas it would in some cases endanger such ship or vessel so to do:* be it therefore enacted by the authority aforesaid, That in cases where it may be necessary to ascertain the tonnage of any such ships or vessels when afloat, the following method shall be observed; *videlicet*, Drop a plumb line over the stern of the ship, and measure the distance between such line and the after part of the stern post, at the load water mark; then measure from the top of the said plumb line, in a parallel direction with the water, to a perpendicular point immediately over the load water mark, at the fore part of the main stem, subtracting from such measurement the above distance, the remainder will be the ship's extreme length, from which is to be deducted three inches for every foot of the load draught of water, for the rake abaft, and also three fifths of the ship's breadth, for the rake foreward, the remainder shall be esteemed the just length of the keel to find the tonnage; and the breadth shall be taken from outside to outside of the plank, in the broadest part of the ship, either above or below the main wales, exclusive of all manner of sheathing or doubling that may be wrought upon the side of the ship; then multiplying the length of the keel for tonnage, by the breadth so taken, and that product by half the breadth, and dividing by ninety-four, the quotient shall be deemed the true contents of the tonnage: provided always, that nothing herein-before contained shall in anywise be construed to alter the manner of admeasuring the tonnage of any ship or vessel which has heretofore been practised for the purpose of ascertaining the light duties, or any other duties or imposts whatever, payable according to the tonnage of any ship or vessel.

Bond to be given, not to lend certificates, and to return them in cases herein specified.

XV. And be it further enacted by the authority aforesaid, That, at the time of obtaining the certificate of registry as aforesaid, sufficient security by bond shall be given to his Majesty, his heirs and successors, by the master and such of the owners as shall personally attend, as is herein-before required, such security to be approved of and taken by the person or persons herein-before authorised to make such registry, and grant such certificates of registry, at the port or place in which such certificate shall be granted, in the penalties following; (that is to say) If such ship or vessel shall be a decked vessel, or be above the burthen of fifteen tons, and not exceeding fifty tons, in the penalty of one hundred pounds; if exceeding the burthen of fifty tons, and not exceeding one hundred tons, in the penalty of three

three hundred pounds; if exceeding the burthen of one hundred tons, and not exceeding two hundred tons, in the penalty of five hundred pounds; if exceeding the burthen of two hundred tons, and not exceeding three hundred tons, in the penalty of eight hundred pounds; and if exceeding the burthen of three hundred tons, in the penalty of one thousand pounds: and the condition of every such bond shall be, that such certificate shall not be sold, lent, or otherwise disposed of, to any person or persons whatever, and that the same shall be solely made use of for the service of the ship or vessel for which it is granted; and that in case such ship shall be lost, or taken by the enemy, burnt, or broken up, or otherwise prevented from returning to the port to which she belongs, the certificate, if preserved, shall be delivered up, within one month after the arrival of the master in any port or place in his Majesty's dominions, to the collector and comptroller of some port in *Great Britain*, or of the *Isle of Man*, or of the *British* plantations, or to the governor, lieutenant governor, or commander in chief, for the time being, of the islands of *Guernsey* or *Jersey*; and that if any foreigner, or any person or persons for his use and benefit, shall purchase or otherwise become entitled to the whole, or any part or share of, or any interest in such ship or vessel, and the same shall be within the limits of any port in *Great Britain*, *Guernsey*, *Jersey*, *Man*, or the *British* colonies, plantations, islands, or territories aforesaid, then and in such case the certificate of registry shall, within seven days after such purchase or transfer of property in such ship or vessel, be delivered up to the person or persons hereinbefore authorised to make registry, and grant certificates of registry, at such port or place respectively, as aforesaid; and if such ship or vessel shall be in any foreign port when such purchase or transfer of interest or property shall take place, then that the same shall be delivered up to the *British* consul, or other chief *British* officer, resident at or nearest to such foreign port; or if such ship or vessel shall be at sea when such purchase or transfer of interest or property shall take place, then that the same shall be delivered up to the *British* consul, or other chief *British* officer, at the foreign port or place in or at which the master, or other person having or taking the charge or command of such ship or vessel, shall first arrive after such purchase or transfer of property at sea, immediately after his arrival at such foreign port; but if such master, or other person who had the command thereof at the time of such purchase or transfer of property at sea, shall not arrive at a foreign port, but shall arrive at some port of *Great Britain*, *Guernsey*, *Jersey*, *Man*, or his Majesty's said colonies, plantations, islands, or territories, then that the same shall be delivered up in manner aforesaid, within fourteen days after the arrival of such ship or vessel, or of the person who had the command thereof, in any port of *Great Britain*, *Guernsey*, *Jersey*, *Man*, or any of his Majesty's said colonies, plantations, islands, or territories: and that if any pass, commonly called *A Mediterranean Pass*, shall have been obtained

Mediterranean passes to be delivered up with certificates.

or procured for any such ship or vessel, then and in such case the same shall be delivered up at the same time, and in like manner, with the certificate of registry aforesaid, to the person or persons herein-before authorised to receive such certificate of registry: and such certificates so delivered up shall forthwith be transmitted to the commissioners of his Majesty's customs in *England* and *Scotland* respectively: and such *Mediterranean* passes shall be also transmitted to the commissioners for executing the office of lord high admiral of *Great Britain*, by the person or persons herein-before authorised to receive such certificates and passes, in order that the same may be cancelled.

Tenor of indorsements on certificates of registry, etc.

XVI. *And whereas the provisions made in and by the said recited act, touching the indorsement on certificates of registry, in case of any alteration of the property in any ship or vessel, in the same port to which the ship or vessel belongs, have been found insufficient*; be it therefore enacted by the authority aforesaid, That, in every such case, besides the indorsement required by the said recited act, there shall also be indorsed on the certificate of registry, before two witnesses, the town, place, or parish where all and every person or persons to whom the property in any ship or vessel, or any part thereof, shall be so transferred, shall reside; or if such person or persons usually reside in any country not under the dominion of his Majesty, his heirs and successors, but in some *British* factory, the name of such factory of which such person or persons is or are member or members; or if such person or persons reside in any foreign town or city, and are not members of some *British* factory, the name of such foreign town or city where such person or persons usually reside, and also the names of the house or copartnership in *Great Britain* or *Ireland*, for or with whom such person or persons is or agent or partner, or agents or partners; and the person or persons to whom the property of such ship or vessel shall be so transferred, or his or their agent, shall also deliver a copy of such indorsement to the person or persons authorised to make registry, and grant certificates of registry, as aforesaid, who are hereby required to cause an entry thereof to be indorsed on the oath or affidavit upon which the original certificate of registry of such ship or vessel was obtained; and shall also make a memorandum of the same in the book of registers which is hereby directed and required to be kept, and shall forthwith give notice thereof to the commissioners of his Majesty's customs in *England* or *Scotland*, under whom they respectively act.

Certificate to be recited in all transfers of property.

XVII. And be it further enacted by the authority aforesaid, That when and so often as the property in any ship or vessel, belonging to any of his Majesty's subjects, shall be transferred to any other or others of his Majesty's subjects, in whole or in part, the certificate of the registry of such ship or vessel shall be truly and accurately recited, in words at length, in the bill or other instrument of sale thereof, and that otherwise such bill of sale shall be utterly null and void, to all intents and purposes.

XVIII. And be it further enacted by the authority aforesaid, That

That when and so often as the master, or other person having or taking the charge or command of any ship or vessel, registered in manner herein-before directed, shall be changed, the master or owner of such ship or vessel shall deliver to the person or persons herein-before authorised to make such registry, and grant such certificates of registry, at the port where such change shall take place, the certificate of registry belonging to such ship or vessel; who shall thereupon indorse and subscribe a memorandum of such change, and shall forthwith give notice of the same to the proper officer of the port or place where such ship or vessel was last registered pursuant to this act; who shall likewise make a memorandum of the same in the book of registers which is hereby directed and required to be kept, and shall forthwith give notice thereof to the commissioners of his Majesty's customs in *England* and *Scotland* respectively.

Changes of masters of vessels to be indorsed on certificates of registry, &c.

XIX. *And whereas many frauds are committed by the frequent change of names given to ships and vessels, and the difficulty of comparing the entry in the book of registers, herein-after directed to be kept by all such person or persons as are authorised to register ships and vessels, and to grant certificates of the same, with the registers of which they claim the benefit, is thereby greatly increased*; be it therefore enacted by the authority aforesaid, That it shall not be lawful for any owner or owners of any ship or vessel to give any name to such ship or vessel, other than that by which she was first registered in pursuance of this act; and that the owner or owners of all and every ship or vessel which shall be so registered, shall, within one month from the time of such registry, paint or cause to be painted, in white or yellow letters, of a length not less than four inches, upon a black ground, on some conspicuous part of the stern (provided there shall be sufficient space for that purpose, but if not, then in letters as large as such space will admit) the name by which such ship or vessel shall have been registered pursuant to this act, and the port to which she belongs, in a distinct and legible manner, and shall so keep and preserve the same; and that if such owner or owners, or master, or other person having or taking the charge or command of such ship or vessel, shall wilfully alter, erase, obliterate, or in anywise hide or conceal, or cause or procure, or permit the same to be done, unless in the case of square-rigged vessels in time of war, or shall in any written or printed paper, or other document, describe such ship or vessel by any name, other than that by which she was first registered pursuant to this act, or shall verbally describe, or cause or procure or permit such ship or vessel to be described, by any other name, to any officer or officers of his Majesty's revenue, in the due execution of his or their duty, then, and in every such case, such owner or owners, master, or other person having or taking the charge or command of such ship or vessel, shall forfeit the sum of one hundred pounds.

No change to be made in ships names, which, and their ports, must be painted conspicuously on the vessels.

100*l.* penalty on altering, &c. names.

XX. And be it further enacted by the authority aforesaid, That all and every person and persons who shall apply for a certificate of the registry of any ship or vessel, in *Great Britain*, *Guernsey*,

Persons applying for certificates in Great Britain,

&c. to produce a particular account of the ships from the builders, and make oath to their identity.

Guernsey, *Jersey*, or *The Isle of Man*, which shall be built, or whose building shall be compleated after the first day of *August*, one thousand seven hundred and eighty-six, shall, and they are hereby required to produce to the person or persons authorised to grant such certificate, a true and full account, under the hand of the builder of such ship or vessel, of the proper denomination, and of the time when, and the place where, such ship or vessel was bu[illegible]; and also an exact account of the tonnage of such ship or vessel, together with the name of the first purchaser or purchasers thereof, (which account such builder is hereby directed and required to give under his hand, on the same being demanded by such person or persons so applying for a certificate as aforesaid); and shall also make oath, before the person or persons herein-before authorised to grant such certificate (which oath he or they are hereby authorised to administer) that the ship or vessel for which such certificate is required, is the same with that which is so described by the builder as aforesaid.

Persons making application in the colonies, after Jan. 1, 1787, to conform to the particulars in the last clause.

XXI. And be it further enacted by the authority aforesaid, That all and every person or persons who, from and after the first day of *January*, one thousand seven hundred and eighty-seven, shall apply for such certificate, as aforesaid, in any of his Majesty's said colonies, plantations, or territories, shall, before such certificate is granted, produce the like account, under the hand of the builder, and take the like oath as is herein-before required to be produced and taken by persons applying for the like certificate in *Great Britain*.

If certificates be lost, new ones to be granted, according to act 15 Geo. 2. c. 31.

XXII. And be it further enacted by the authority aforesaid, That if the certificate of the registry of any ship or vessel which shall be obtained in pursuance of this act, shall happen to be lost or mislaid, a register and certificate *de novo*, in the form herein-before directed, shall be granted for such ship or vessel, according to the regulations contained in an act, passed in the fifteenth year of the reign of his late majesty King *George* the Second, intituled, *An act for further regulating the plantation trade; and for relief of merchants importing prize goods from* America; *and for preventing collusive captures there; and for obliging the claimers of vessels seized for exportation of wool, or any unlawful importation, to give security for costs; and for allowing* East India *goods to be taken out of warehouses, in order to be cleaned and refreshed.*

Security to be given, on receiving fresh certificates, and oath made as herein-before directed, instead of the oath 15 Geo. 2. c. 31.

XXIII. Provided always, and be it further enacted by the authority aforesaid, That in every such case such security shall be given as is herein-before directed; and that in lieu of the oath directed to be taken by the said recited act, the like oath shall be taken and subscribed, as is herein-before directed to be taken and subscribed by the owner or owners of such ships and vessels as are required to be registered by virtue of this act.

Ships, if altered, must be registered a-

XXIV. And be it further enacted by the authority aforesaid, That if any ship or vessel, after she shall have been registered pursuant to the directions of this act, shall in any manner whatever be altered in form or burthen, by being lengthened or built upon,

upon, or shall be altered from a sloop to a brigantine, or from any one denomination of a vessel to another, by the mode or method of rigging or fitting, in such case such ship or vessel shall be registered *de novo*, in manner herein-before required, as soon as she returns to the port to which she belongs, or to any other port in which she may be legally registered by virtue of this act, on failure whereof such ship or vessel shall to all intents and purposes be considered, and deemed and taken to be a foreign ship or vessel.

new, or to be deemed foreign.

XXV. And be it further enacted by the authority aforesaid, That the owner or owners of all such ships and vessels as shall be taken by any of his Majesty's ships or vessels of war, or by any private or other ship or vessel, and condemned as lawful prize in any court of admiralty, shall, upon registering such ship or vessel, before he or they shall obtain such certificate as aforesaid, produce to the proper officer of his Majesty's customs a certificate of the condemnation of such ship or vessel, under the hand and seal of the judge of the court in which such ship or vessel shall have been condemned (which certificate such judge is hereby authorized and required to grant), and also a true and exact account, in writing, of all the particulars contained in the certificate herein-before set forth, to be made and subscribed by one or more skilful persons to be appointed by the court to survey such ship or vessel; and shall also make oath before the said officer (which he is hereby authorised and required to administer) that such ship or vessel is the same vessel which is mentioned in the certificate of the judge aforesaid.

The condemnation of prizes, and the particulars of the vessels, &c. must be produced, to entitle to a certificate of registry.

XXVI. Provided always, and be it further enacted by the authority aforesaid, That no ship or vessel which shall be taken and condemned as prize in any court of admiralty as aforesaid, shall be registered in the islands of *Guernsey*, *Jersey*, or the *Isle of Man*, although belonging to his Majesty's subjects residing in those islands, or in some one or other of them: but in order that the duties now by law due and payable to his Majesty on such ships and vessels may be levied and collected, the same shall be registered either at *Southampton*, *Weymouth*, *Exeter*, *Plymouth*, *Falmouth*, *Liverpool*, or *Whitehaven*, by the collector and comptroller at such ports respectively, who are hereby authorized and required, after the receipt of the said duties, to register such ship or vessel, and to grant a certificate thereof, in the form, and under the regulations and restrictions in this act contained.

Prizes condemned in Guernsey, &c. to be registered at Southampton, &c.

XXVII. And be it further enacted by the authority aforesaid, That in all the cases where any ship or vessel, so taken and condemned as aforesaid, in any of his Majesty's colonies, plantations, islands, or territories, aforesaid, shall be registered, and obtain a certificate of such registry, in manner herein-before directed, an exact and particular account shall be subjoined to such certificate, of the sum for which such ship or vessel shall have been sold, verified by the oath of the person or persons who shall apply for such registry and certificate, in order that the aforesaid duties due and payable to his Majesty may be the better levied

The sum on oath, for which a prize sold in the colonies, to be subjoined to the certificate.

and collected, upon the arrival of such ship or vessel in any port or place of *Great Britain* where such duties are by law due and payable.

XXVIII. *And whereas the trade to and from his Majesty's* European *dominions, and the colonies, plantations, islands, and territories, in* Asia, Africa, *and* America, *to his Majesty belonging, is now by law confined to such ships only as are of the built of* Great Britain *and* Ireland, *the islands of* Guernsey, Jersey, *and* Man, *and of the said colonies, plantations, islands, and territories: and whereas ships wholly owned by* British *subjects, and navigated according to law, can be legally used and employed only in the* European *trade of this kingdom, and the same are, by virtue of this act, allowed to be continued in the said trade until the same shall be worn out; and it is therefore necessary to distinguish such ships and vessels respectively in the certificates to be granted pursuant to this act*; be it therefore enacted by the authority aforesaid, That the certificates which shall hereafter be granted in pursuance of this act, shall distinguish whether such ships or vessels be of the built of *Great Britain* or *Ireland*, *Guernsey*, *Jersey*, or the *Isle of Man*, or the colonies, plantations, islands, or territories aforesaid, or of any foreign country; and shall, if *British* built, be intituled, *Certificate of* British *Plantation Registry*; and if such ships be foreign-built, shall be intituled, *Certificate of Foreign Ships Registry for the* European *Trade*, British *Property*, as the case may be.

Certificate to express in what part the ship was built.

XXIX. *And whereas many foreign-built ships and vessels belonging to, or pretending to belong to, his Majesty's subjects, have by fraudulent contrivances, and under false pretences, obtained registers, by virtue of which such ships and vessels are at present used and employed, contrary to the laws now in force, in the trade to and from his Majesty's colonies, plantations, islands, or territories, in* Asia, Africa, *and* America; *and it is therefore expedient and necessary, for detecting the frauds at present committed, and for preventing the same in future, that all registers heretofore granted should be called in, and delivered up to the proper officer to be cancelled, and that new registers, of the form herein-before described, should be granted in lieu thereof, in the manner herein-before directed, to all such ships or vessels as shall appear to be legally entitled to the same: and whereas it is expedient to specify and direct at what time, and in what manner, all other ships and vessels, which are not now by law required to be registered, should hereafter be registered, according to the intent and meaning of this act, and should receive certificates according to the form and in the manner herein-before directed:* be it therefore enacted by the authority aforesaid, That the commissioners of his Majesty's customs in *England* and *Scotland*, respectively, be authorized and required, and they are hereby authorized and required, to give publick notice, by all such ways and means as they shall judge most proper and effectual, that within a certain reasonable time or times as may be best adapted to the distance of the ports to which the ships and vessels owned by his Majesty's subjects shall respectively belong, to be by them specified and published, certificates of registry, according to the form herein-before described, will be ready

Ships already registered to exchange their certificates for new ones, and others now required to be registered, to apply for certificates, &c.

ready to be granted, in manner herein-before directed, to all such ships and vessels as shall be legally entitled thereunto; and that the owner or owners of every such ship or vessel, not heretofore required to be registered, shall, on the first arrival of every such ship or vessel at the port or place to which she belongs, after the expiration of the notice herein-before directed, cause such ship or vessel to be registered, and shall obtain a certificate thereof, in manner herein-before directed; and that the owner or owners of any ship or vessel, which shall have been heretofore registered, shall in like manner, upon the first arrival of such ship or vessel at the port or place to which she belongs, after the expiration of the notice herein-before directed, cause such ship or vessel to be again registered, and obtain a certificate thereof, according to the form and in the manner herein-before described, and shall then deliver up the register before granted, if the same be not lost or mislaid; and if the same shall have been lost or mislaid, shall make oath before the proper officer of the customs, that such register has been lost or mislaid, and shall give security in like manner as is directed and required by the said act passed in the fifteenth year of the reign of his late majesty King *George* the Second, in the case of registers and certificates *de novo*.

Times allowed for obtaining such certificates.

XXX. And be it also enacted by the authority aforesaid, That, from and after the expiration of the notice herein-before directed, twelve months shall be allowed to all ships and vessels belonging to any of the ports of *Great Britain*, or the islands of *Guernsey*, *Jersey*, or *Man*, to be registered and obtain certificates according to the form and in the manner herein-before described; and that, in like manner, from and after the expiration of the notice herein-before directed, eighteen months shall be allowed to all ships and vessels belonging to any of the ports in his Majesty's colonies, plantations, islands, or territories in *Africa* or *America*, to be registered, and to obtain certificates according to the form, and in the manner herein-before described; and that, in like manner, from and after the expiration of the notice herein-before directed, thirty months shall be allowed to all ships and vessels trading or fishing beyond the *Cape of Good Hope*, or *Cape Horn*, to be registered, and obtain certificates according to the form, and in the manner herein-before described: and that at the end of the said term of twelve months, with respect to such ships and vessels as belong to the ports of *Great Britain*, and the islands of *Guernsey*, *Jersey*, or *Man*; and in like manner, at the end of the said term of eighteen months, with respect to all ships and vessels that belong to any of the ports of his Majesty's colonies, plantations, islands, or territories, in *Africa* or *America*; and in like manner, at the end of the said term of thirty months, with respect to all ships and vessels trading or fishing beyond the *Cape of Good Hope*, or *Cape Horn*, no other register or certificate shall be of force or effect, except such as shall be granted in pursuance of this act; and that all other registers and certificates shall from thenceforth be utterly null and void, to all intents and purposes whatsoever.

XXXI. Pro-

Certificates may be granted, where, from unavoidable necessity, application could not be made in time limited.

XXXI. Provided nevertheless, and be it further enacted by the authority aforesaid, That in case it shall happen that any such ship or vessel, from any unavoidable necessity, or reasonable cause, shall not return to the port to which she belongs within the time herein-before limited, it shall and may be lawful for the commissioners of his Majesty's customs in *England* and *Scotland* respectively for the time being, and they are hereby required, upon proof being made to their satisfaction of such unavoidable necessity or reasonable cause, to cause such ship or vessel to be registered upon the terms and conditions, and under the regulations and restrictions directed and required by this act; any thing herein contained to the contrary thereof notwithstanding.

Ships leaving port without certificates to be forfeited.

XXXII. And be it further enacted by the authority aforesaid, That no ship or vessel, which by this act is directed to be hereafter registered, or which is directed, instead of the register now required by law, to take out a new register, according to the form, and in the manner herein-before described, shall be permitted, after her first arrival at the port to which she belongs, at the expiration of the notice herein-before directed, to clear outwards to foreign parts or coastwise, or to proceed to sea in order to fish on the coasts, or for any other purpose whatever, as a *British* ship or vessel, or shall be in anywise entitled to the privileges of a *British* ship or vessel, unless the owner or owners thereof shall have obtained a certificate according to the form, and in the manner herein-before described; and in case any such ship or vessel shall depart from such port without being registered, and without having obtained a certificate as aforesaid, every such ship or vessel shall be subject to forfeiture, and also all the guns, furniture, ammunition, tackle, and apparel, to such ship or vessel belonging.

If ships be found without the port to which they belong, without certificates, bond must be given that they shall be procured.

XXXIII. And be it further enacted by the authority aforesaid, That if, after the expiration of the notice aforesaid, any ship or vessel (being square rigged) shall be found in any port within the distance of twenty leagues by water from the port to which she belongs, or if any vessel, not being square rigged, be found within any port, other than that to which she belongs, without having obtained the certificate of registry herein-before directed, it shall and may be lawful to and for the principal officer or officers of such port, and he or they is and are hereby required to detain such ship or vessel, until the master, or other person having or taking the charge or command thereof, shall, if such ship or vessel be under the burthen of fifty tons, give security by bond in the penalty of fifty pounds, in manner hereinafter directed; and if such ship or vessel shall exceed the burthen of fifty tons, and shall not exceed that of one hundred tons, then until the master, or other person having or taking the charge or command thereof, shall, in like manner, give security by bond in the penalty of one hundred pounds; and if such ship or vessel shall exceed the burthen of one hundred tons, then until the master, or other person having or taking the charge or command thereof,

thereof, shall, together with one sufficient security, (to be approved by such principal officer or officers), give bond to his Majesty, his heirs and successors, to be taken by such officer or officers, in the penalty of two hundred pounds, with condition that such master, or other person so having or taking the charge or command of every such ship or vessel, shall forthwith repair with her, as soon as conveniently may be, (or being employed in the fishery on the banks of *Newfoundland*, and parts adjacent, at the end of the fishing season), to the port to which she belongs, and there cause her to be registered, and procure a certificate of such registry, in the form and manner herein-before directed, and produce and deliver to such officer or officers such certificate of registry, within the time limited in the condition of such bond; which limitation of time such officer or officers is and are hereby authorised to fix, according to the distance which such ship or vessel may be from the port to which she belongs, and the nature of the voyage in which she may then be engaged, and on failure of producing and delivering such certificate as aforesaid, such bond shall be forfeited; but if such certificate shall be produced and delivered to such officer or officers within the time so limited in the bond, such bond shall be void and of none effect, and he or they is and are hereby authorised and required to cancel the same: and in case any square rigged ship or vessel, after the expiration of the notice aforesaid, shall be found in any port distant more than twenty leagues by water from the port to which she belongs, or that the water at the entrance of the port to which such ship or vessel belongs shall be so shallow as not to admit her entrance into the same, without endangering the safety of such ship or vessel, the master, or other person having the charge or command of such ship or vessel, shall, within forty-eight hours after his arrival at such port as aforesaid, make known his arrival to the collector and comptroller of the customs, or other principal officer of such port, and shall require such collector and comptroller, or other principal officer, to cause his ship or vessel to be surveyed by the proper officer at such port, who shall be appointed pursuant to the directions of this act to survey ships and vessels there, and who shall accordingly make a perfect and accurate survey thereof, and certify the several particulars thereof in like manner as is herein-before directed, and such collector and comptroller, or other principal officer, shall immediately transmit the said certificate of survey to the persons authorised to register ships and vessels, and grant certificates of registry, at the port to which such ship or vessel belongs, who thereupon, and upon all the other requisites of this act being complied with, shall register such ship or vessel, and grant a certificate of the registry thereof pursuant to this act; and it shall and may be lawful to and for the collector and comptroller, or other principal officer or officers of the customs in the port where such ship or vessel shall be so found, and he or they are hereby authorised and required to detain such ship or vessel until a perfect and accurate

If square rigged vessels cannot enter the ports to which they belong, certificates may be obtained upon their being surveyed, &c. at the port where they touch.

accurate survey thereof shall be made in manner herein-before directed.

Certificates of registry to be produced at every port, on penalty of 100l.

XXXIV. And be it further enacted by the authority aforesaid, That after the expiration of the notice herein-before required, the master, or other person having or taking the charge or command of every ship or vessel which shall have been registered, and shall have procured a certificate of the registry, according to the directions of this act, shall, upon demand, produce such certificate of registry to the principal officer or officers of every port in his Majesty's dominions, or to the *British* consul or chief *British* officer in any foreign port in which such ship or vessel shall arrive, for the inspection of such officer or officers, *British* consul, or chief *British* officer, in order to satisfy him or them that she has been properly registered, under the penalty of one hundred pounds.

Certificates, &c. to be numbered, and an account of them to be transmitted to the commissioners of customs.

Penalty for neglect.

XXXV. And be it further enacted by the authority aforesaid, That the proper officer at every port and place where registers and certificates shall be granted in pursuance of this act, shall progressively number the same as they shall be severally granted, beginning such progressive numeration at the commencement of each and every year; and shall enter an exact copy of every such certificate, with the number thereof, in a book to be kept for that purpose; and shall also forthwith, or within one month at the furthest, transmit to the commissioners of his Majesty's customs in *London* and *Edinburgh*, under whom they respectively act, a true and exact copy, together with the number of every certificate which shall be by him so granted; and that if any such officer or officers shall neglect or refuse so to do, he or they so offending shall, for the first offence, forfeit the sum of one hundred pounds, and shall, for the second offence, forfeit the sum of two hundred pounds, and be dismissed from his or their office or offices.

Copies of certificates granted in Scotland to be annually transmitted to the custom-house in England.

XXXVI. And be it also further enacted by the authority aforesaid, That the commissioners of his Majesty's customs in *Scotland* shall in like manner transmit, at the end of every month in each year, to the commissioners of his Majesty's customs in *England*, true and exact copies of all such certificates as shall be granted by them, or by any officer or officers within the limits of their commission, in pursuance of this act.

Sums to be paid on first registry of ships built prior to May 1, 1786, in lieu of stamp-duties, &c.

XXXVII. And be it further enacted by the authority aforesaid, That in lieu of all stamp-duties now by law imposed on such bonds as shall be entered into by the owner or owners of any ship or vessel built before the first day of *May*, one thousand seven hundred and eighty-six, or by any person or persons on their behalf, upon such ship or vessel being first registered, and obtaining a certificate, in pursuance of this act, there shall be paid the sum of one shilling, and no more; and that in lieu of all fees and perquisites now payable to any person or persons, on the registry of any ship or vessel, so built before the said first day of *May*, one thousand seven hundred and eighty-six, there shall be

paid

paid on the first registry of every such ship or vessel, pursuant to this act, the following sums, and no more; (that is to say), By all ships or vessels decked, or of the burthen of fifteen tons, and not exceeding fifty tons, the sum of one shilling and sixpence, and no more; and by all ships or vessels exceeding fifty tons, and not exceeding one hundred tons, the sum of two shillings and sixpence, and no more; and by all ships or vessels exceeding one hundred tons, and not exceeding two hundred tons, the sum of three shillings and sixpence, and no more; and by all ships or vessels exceeding two hundred tons, the sum of five shillings, and no more; which several sums shall be payable to such officers respectively, in the same shares and proportions in which the sums now payable are distributed: provided always, That the stamp-duties, fees, and perquisites now due and payable upon the registry of, or transfer of property in any ship or vessel, shall continue to be paid as heretofore, save and except upon the first registry in pursuance of this act, of any ship or vessel built and registered before the first day of *May*, one thousand seven hundred and eighty-six.

Stamp-duties to continue to be paid, on transfers of property.

XXXVIII. *And whereas, since the conclusion of the late war, registers have been granted or promised to ships and vessels not thereunto by law entitled, by his Majesty's governors, or by the officers of his Majesty's customs, in consideration of services rendered to the publick by the owners of such ships and vessels, at the time of evacuating the countries, or towns, and posts held by his Majesty's forces in the countries now belonging to the united states of* America, *or in consideration of the removal of families, to whom such ships and vessels belong, into the countries now belonging to his Majesty: and whereas registers have also in some cases been so granted or promised to other ships and vessels, by the governors of his Majesty's colonies, plantations, islands, and territories under misconception of the laws relating thereto, and the property of such ships or vessels has* bona fide, *and without fraud, been transferred to others of his Majesty's subjects, who under the protection thereof now use and employ such ships and vessels: and whereas it may be therefore just and reasonable, in particular cases, where no fraud or collusion shall appear to have been practised, that such ships and vessels should be admitted to a registry, and that a certificate should be granted to the owners thereof pursuant to this act;* be it further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, by and with the advice of his privy council, to order any such ship or vessel, under the circumstances before mentioned, to be registered, and to have a certificate thereof, according to the form and in the manner herein-before described and directed, if his Majesty in his wisdom shall think fit; and in case any suit shall have been commenced for the condemnation of such ship or vessel, it shall and may be lawful for his Majesty, by order in council, to direct all proceedings thereupon to be staid, either absolutely, or upon such terms or conditions as his Majesty shall think fit.

Privy council may order ships to be registered, to whom they have been granted or promised in consideration of their services, though not otherwise entitled thereto, &c.

XXXIX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any governor, lieutenant governor,

Suits commenced in the colonies touching registers granted such ships may be stopt till his Majesty's pleasure be known.

governor, or commander in chief of any of his Majesty's colonies, plantations, islands, or territories, and they are hereby respectively authorized and required, in any of the cases aforesaid, if any suit, information, libel, or other prosecution or proceeding of any nature or kind whatever shall have been commenced, or shall hereafter be commenced, in any court whatever, in any of the said colonies, plantations, islands, or territories, respectively, touching the force and effect of any register granted to any ship or vessel, in any of the circumstances aforesaid, upon a representation made to any such governor, lieutenant governor, or commander in chief, to cause all proceedings thereon to be staid, if he shall see just cause so to do, until his Majesty's pleasure be known, and certified to him by his Majesty, by and with the advice of his privy council; and such governor, lieutenant governor, or commander in chief, is hereby required to transmit to one of his Majesty's principal secretaries of state, to be laid before his Majesty in council, an authenticated copy of the proceedings in every such case, together with his reasons for causing the same to be staid, and such documents (properly verified) as he may judge necessary for the information of his Majesty.

Penalty on neglect of duty.

XL. And be it further enacted by the authority aforesaid, That if any person or persons authorised and required by this act, in respect of his or their office or offices, to perform any act or thing directed and required to be done or performed pursuant to any of the provisions of this act, shall wilfully neglect or refuse to do or perform the same, according to the true intent and meaning of this act, every such person or persons so neglecting or refusing shall, on being, duly convicted thereof, forfeit the sum of five hundred pounds, and for the second offence shall forfeit, in like manner, the sum of five hundred pounds, and shall from thenceforth be rendered incapable of serving his Majesty in any office or employment relative to the revenue, or in any civil capacity whatever.

Persons making false oaths guilty of corrupt perjury; and falsifying or using false certificates to forfeit 500l.

XLI. And be it further enacted by the authority aforesaid, That if any person or persons shall falsely make oath to any of the matters herein-before required to be so verified, such person or persons shall suffer the like pains and penalties as are incurred by persons committing wilful and corrupt perjury; and that if any person or persons shall counterfeit, erase, alter, or falsify any certificate required or directed to be obtained by this act, or shall knowingly or wilfully make use of any certificate so counterfeited, erased, altered, or falsified, such person or persons shall, for every such offence, forfeit the sum of five hundred pounds.

How penalties are to be recovered, and what is the officer's share.

XLII. And be it further enacted by the authority aforesaid, That all the penalties and forfeitures inflicted and incurred by this act shall and may be sued for, prosecuted, and recovered in such courts, and be disposed of in such manner, and by such ways, means, and methods, as any penalties or forfeitures inflicted, or which may be incurred, for any offence committed against the laws of customs, may now legally be sued for, prosecuted,

secuted, recovered, and disposed of; and that the officer or officers concerned in seizures or prosecutions under this act, shall be entitled to and receive the same share of the produce arising from such seizures, as in the case of seizure for unlawful importation, and to such share of the produce arising from any pecuniary fine or penalty, for any offence against this act, as any officer or officers is or are now by any law or regulation entitled to, upon prosecutions for pecuniary penalties.

All acts relative to trade to remain in force, except such parts as are hereby repealed.

XLIII. And it is hereby declared and enacted by the authority aforesaid, That all and every matter contained in the said herein-before recited acts, or in any act or acts of parliament heretofore passed, touching the trade, shipping, and navigation of *Great Britain*, and the colonies, plantations, islands, and territories aforesaid thereunto belonging, which is not hereby expressly altered or repealed, shall remain and continue in full force and effect; to all intents and purposes whatever; and so far as the same relate to the registry of ships and vessels, shall be deemed and taken to extend and apply in every respect to all ships and vessels authorized and required by this act to be registered, and to have certificates of registry.

Ships of Ireland lawfully qualified and registered there, to enjoy the privileges of British-built ships, &c.

XLIV. And be it enacted by the authority aforesaid, That the ships and vessels belonging to his Majesty's subjects residing in the kingdom of *Ireland*, being duly qualified and registered according to the laws now in force, shall continue to enjoy all the privileges and advantages to which such ships and vessels were by law intitled before the passing of this act, until the end of four calendar months from the commencement of the first session of the parliament of *Ireland* which shall hereafter sit, during the space of four calendar months, without prorogation or dissolution; and that from the end of that time, every ship or vessel which shall, by virtue of the authority of any act that may be passed in the said parliament of *Ireland*, be qualified and registered in any of the ports of the said kingdom of *Ireland*, under similar regulations and restrictions to those herein-before contained, shall continue to enjoy, to all intents and purposes whatsoever, all the privileges and advantages of a *British*-built ship, or foreign built ship owned by his Majesty's subjects, as the case may be, according to the provisions of this act.

CAP. LXI.

An act for granting to his Majesty a certain sum of money out of the sinking fund; and for applying certain monies therein mentioned for the service of the year one thousand seven hundred and eighty-six; and for further appropriating the supplies granted in this session of parliament.

2,600,000l. granted out of the sinking fund, for the service of the current year; to be issued by the treasury accordingly. Treasury impowered to raise the sum of 2,600,000l. or any part thereof, by loans or exchequer bills, on the credit of the sinking fund. All persons who shall lend any money upon the credit of this act to have a tally of loan, with orders for repayment of the money, with interest. Orders to be registered in course. No undue preference to be given in payment. No fee

to

to be taken, for books or regiſters, or entries, views, or ſearches, on forfeiture of treble damages, with full coſts. Penalty of undue preference in point of regiſtry or payment of the value of the debt. Auditor, etc. neglecting his duty, liable for damages, and coſts; to be recovered at Weſtminſter. No undue preſcrence in the regiſtering, where orders are brought the ſame day; nor if ſubſequent orders are paid before others not brought in courſe, ſo as money be reſerved for the preceding orders. Power of aſſignment, and method of transferring of orders by indorſement, and to be entered with the auditor. If it ſhall be judged more adviſeable, the treaſury may raiſe the ſaid ſum by exechequer bills inſtead of loans; and the bills in ſuch caſe to be made in the manner preſcribed by the land tax act of this ſeſſion. All advantages and penalties in the ſaid act of this ſeſſion, relating to loans or exchequer bills thereby authoriſed to be made forth, extended to this act. The ſaid exchequer bills, intereſt, and charges, are to be paid out of the ſinking fund. Bank authoriſed to lend to his Majeſty the ſum of 2,600,000l. notwithſtanding an act of 5 and 6 Gul. & Mariæ. The ſum of 582,488l. 15s. 9d. 3q. remaining in the exchequer on Jan. 5, 1786; 628,982l. 0s. 1d. ſuplus of ſinking fund, April 5, 1786; 82,386l. ſurplus of 6d. deduction on ſalaries &c. April 5, 1786; 16,491l. 5s. ſurplus of wine duties, granted by 18 Geo. 2. April 5, 1786; after payment of annuities on ſingle lives by ſaid act to Jan. 5, 1786; 20,281l. 15s. ſurplus of glaſs duties, remaining April 5, 1786, after paying annuities on lives granted by 19 Geo. 2. c. to Jan. 5, 1786; 12,735l. 15s. ſurplus of vellum duties, etc. remaining at April 5, 1786, after paying annuities on lives granted by 30 Geo. 2. c. to Jan. 5, 1786; 40,414l. 9s. 5d. 3q. ſurplus of 2-7ths exciſe, remaining in the exchequer, April 5, 1786, granted by 5 & 6. W. and M. after ſatisfying charges thereon, for the half year then ended; 100,508l. 13s. 1d. 3q. of impreſt, and other money remaining in the exchequer for diſpoſition of parliament; 290,810l. 4s. 6d. 1q. ſurplus of grants for land ſervices in 1784, remaining in the exchequer; and 21,568l. 13s. 2d. 3q. ſurplus for Chelſea hoſpital, for the year 1785, remaining in the exchequer to be iſſued towards the ſupply, by order of the treaſury; 65,575l. 4s. 1d. 2q. of army ſavings in 1785, to be applied towards the extraordinary expences of the land forces, from Dec. 24, 1784, to Dec. 24, 1785, not provided for. Monies ariſing by the land tax act, malt act, loans, (1,500,000l.) c. 32. further loans, (1,000,000l.) c. 33. further bills, (3,000,000l.) lottery act, and alſo 582,488l. 15s. 9d. 3q. remaining in the exchequer, Jan. 5, 1786, ſurplus of the ſinking fund ſubject to diſpoſition of parliament; 628,982l. 1d. overplus of grants in 1786; 82,386l. ſurplus of ſixpence deductions; 16,491l. 5s ſurplus of wine duties; 20,281l. 15s. ſurplus of glaſs duties; 12,735l. 15s. ſurplus of vellum duties; 40,414l. 9s. 5d. 3q. ſurplus of two ſeventhe exciſe; 100,508l. 13s. 1d. 3q. of impreſt; and alſo 290,810l. 4s. 6d. 1q. for land forces, etc. 1784; 21,568l. 13. 2d. 3q. for Chelſea hoſpital, for 1785; 2,600,000l. granted by this act out of the ſinking fund, ſhall be applied (with the reſidue of the monies ariſing from the ſale of French prizes, taken before the war in 1756, to the uſes following; 2,428,326l. 18s. 8d. for naval ſervices, viz. for victuals, wear and tear of the navy, and the victualling thereof, for the office of ordnance for ſea ſervice, for ordinary of navy, for half pay to ſea and marine officers; and for maintaining 3620 marines, and rebuilding and repairing ſhips of war for 1786; 287,096l. 17s. 1d. for the charges of the office of ordnance, for land ſervice, 1786; 59,781l. for completing works at Portſmouth, and Plymouth; 1,978,154l. 15s. 0d. 3q. towards maintaining the land forces, etc. viz. 647,005l. 8d. for defraying the charge of 17,638 effective men, officers, etc. 234,160l. 5s. 11d. for forces in the plantations, and Gibraltar, for 1786; 6,358l. 3s. for difference between Britiſh and Iriſh eſtabliſhments of ſix regiments, of foot at Gibraltar, in North America, and the Weſt Indies, etc for the ſame year; 6,409l. 8s. for pay of general and ſtaff officers, in Great Britain, for the ſame year; 24,378l. 7s. 8d. 2q. for ſupernumerary officers, etc. for 365 days in the ſame year; 8,230l. 8s. 7d. 1q. for 1 regiment of light dragoons, and 5 battalions of foot, ſerving in the Eaſt Indies, for 1786; 59,320l. 13s. 5d. to the paymaſter general, ſecretary at

at war, commissary general of musters, judge advocate general, comptrollers of accompts, etc. for exchequer fees and for poundage, for the same year; 11,439l. 7s. 6d. for widows pensions, for the same year; 172,666l. 1..s 5d. for reduced officers, for the same year; 333l. 9s. 7d. for reduced officers, etc. of the horse guards, for the same year; 175,016l. 7s. 9d. for Chelsea hospital, for the same year; 53,502l. 17s. 2d. for officers of British American forces, for the same year; 3,535l. 6d. for officers late in the service of the states general, for the same year; 2,377l. 8d. 2q. for difference between the British and Irish establishments for several battalions in 1784 and 1785; 364l. 5s. 11d. for difference between British and Irish establishments for four companies of foot in 1786, for 275 days; 573,087l. 8s. 2d. 2q. for extraordinary expences of land forces, to Dec. 25, 1785, not provided for; 180,000l. to discharge exchequer bills of 22 and 23 Geo. 3; 30,000l. to discharge arrears of civil lists to Jan. 5, 1786; 1,500,000l. to discharge exchequer bills of 25 Geo. 3; 1,000,000l. more for paying off exchequer bills, 25 Geo. 3; 1,000,000l. for paying off bills made out by virtue of another act of the same year; 2,000,000l. for paying off bills of 21 Geo. 3; 12,259l. 9s. 2d. issued in pursuance of addresses of the house of commons; 25,000l. towards carrying on the buildings at Somerset house; 6,000l. for erecting a house adjoining the Admiralty, to keep books, papers, etc. in; 3,851l. 17s. 6d. for the civil establishment of Nova Scotia; 1,900l. for the civil establishment of the island of St. John in America; 1,816l. 15s. 7d. 1q. for a demand due to the late John Ellis, esq. late agent for the province of West Florida, surplus of his account between June 24, 1772, and June 24, 1776; 2,660l. for the civil establishment of the Bahama Islands, in addition to salaries on duty fund, charges from Jan. 1, 1786, to Jan. 1, 1787; 2,100l. for the island of Cape Breton, to June 24, 1787; 580l. for the salary of the chief justice of the Bermudas, to June 24, 1787; 4,300l. for the civil establishment of New Brunswick in America to the same time; 13,000l. for forts, etc. in Africa; 6,500l. for purchasing lands in St. Vincent; 6,356l. for the purchase of the soil of the Bahama Islands; 9,000l. to the commissioners of publick accounts; 1,000l. to make good a like sum issued to the secretary to the said commissioners; 1,681l. 18s. 4d. for prosecution of coiners; 14,939l 5s. 0d. 1q. for the mint, in 1785; 5,784l. for new roads, etc. in the highlands, in 1786; 10,000l. to the commissioners for enquiring into claims of American loyalists, without fee; 178,750l. to persons who have proved losses in America, by act 23 Geo. 3. c. Proportions to American sufferers, to be not more than 40l. per cent. to those bearing arms, and 30l. per cent. to those other resident in America during the war; 55,000l for relief of American civil officers, etc. for one year: 3.888l. 4s. to make good a like sum issued to the secretary of the commissioners: 62.059l. 5s. to make good a like sum issued to American civil officers; 3,750l. 14s. to make good a like sum paid to Tho. Cotton, esq. for fees at the exchequer, on receipt of 50,000l granted to loyalists last session; 2,426l. 9s. to make good a like sum issued to the said Tho. Cotton, Tho. Dundas, and Jeremy Pemberton, esqrs. for passage, etc. of commissioners of American claims, appointed to go to Nova Scotia or other part of American colonies, and the expences of their secretaries and clerks; 16,061l. 16s. 3d. to make good a like sum issued to discharge bills drawn by governors of Nova Scotia, New Brunswick, and Cape Breton, in America, and expence of convicts at Portsmouth, and Plymouth, etc.; 1,377l. 6s. for damages sustained at Faversham, in Kent, by the blowing up of powder Mills, in 1781; 4,106l. 10s. to Joseph Lodin Du Mauvoir, for loss by seizure of the ship La Grue, at Portudal, (a French factory), in 1776, by the Lord Dartmouth armed ship, sent from Fort Louis in the river Senegal for that purpose, by Mathias Macnamara, esqr. then lieutenant governor, &c. of Senegambia; 2,500l. to Louis Borel, and Abraham Henry Borel, dyers, for the disclosure of a method of dying Turkey Red, upon cotton in hanks, and in the piece; 3,632l. 11s. 5d. for the payment for lands purchased under act 23 Geo. 3. c. 87; 12,869l. 11s. 7d. 3q. for compensation for lands purchased near Portsmouth, under 24 Geo. 3. c. 29; 17,382l. 12s. 1d.

for compensation for lands purchased, etc. near Plymouth, under act 24 Geo. 3. c. 29, etc.; 21,560l. 5s. 7d. to Duncan Campbell, esq. for maintaining convicts, etc.; and 31,299l. 10s. for transportation, etc. of convicts; 365,719l. 2s. 4d. 2q. to replace a like sum paid out of the sinking fund for deficiencies of duties on tea, etc. to July 5, 1785; 16,588l. 4s. 6d. 3q. to make good deficiencies of the fund for paying annuities granted 31 Geo. 2. to Jan. 5, 1785; 180,357l. 3s. 6d. 1q. to make good the deficiency on the grant for payment of annuities, 18 Geo. 3. 1778 to July 5, 1785; 15,991l. 5s. 2d. 2q. to make good the deficiency on the grant for payment of annuities, 19 Geo. 3. 1779 to July 5, 1785; 141,864l. 11s. 8d. to make good deficiency on the grant for payment of annuities, 29 Geo. 3. 1770, to the same time; 361,963l. 3s. 4d. to make good the deficiency on the grant for payment of annuities, 23 Geo. 3. 1783, to the same time; 202,581l. 7s. 7d. 2q. to make good the deficiency on the grant for payment of annuities, 24 Geo. 3. 1784, to the same time; 127,138l. 3s. 2d. 5-8ths, to make good deficiencies of grants for 1785. Supplies not to be applied to any other uses than are directed by this act. Rules to be observed in the application of the sum of 172,666l. 10s. 5d. granted last year, for half pay. By an act 25 Geo. 3. a sum not exceeding 197,703l. 7s. 10d. was appropriated to be paid to reduced officers. Overplus monies, above satisfying half pay officers, to be disposed of to officers who were maimed, etc. in the late wars, or to officers widows and children, as his Majesty shall direct.

CAP. LXII.

An act to enable the East India *company to raise money by a sale of annuities, and by increasing their capital stock.*

Preamble.

WHEREAS *the publick stand indebted to the united company of merchants of* England *trading to the* East Indies, *in the sum of four millions two hundred thousand pounds, lent, at various times, under the authority of several acts of parliament, for which an annuity is now payable to the said united company, to the amount of one hundred and twenty-six thousand pounds, being an interest on the said debt, at and after the rate of three pounds* per centum per annum: *and whereas the said united company, pursuant to the powers contained in an act of parliament made in the twenty-third year of the reign of his late majesty King* George *the Second, intituled,* An act for giving further time to the proprietors of annuities after the rate of four pounds *per centum per annum*, to subscribe the same in the manner and upon the terms therein mentioned; and for redeeming such of the said annuities as shall not be so subscribed; and for impowering the *East India* company to raise certain sums by transferrable annuities; *have borrowed and taken in by subscription, from sundry persons, the sum of two millions nine hundred ninety-two thousand four hundred and forty pounds, five shillings, by a grant of annuities called* India Annuities, *which now carry an interest at the rate of three pounds* per centum per annum, *amounting to the yearly sum of eighty-nine thousand seven hundred and seventy-three pounds, four shillings: and whereas, for the purpose of enabling the said united company to carry on an extended trade, and also to discharge the demands to which they are liable, it is necessary and expedient that the said united company should be enabled to raise a further sum of money than they are now enabled to do:* may it therefore please your most excellent Majesty that it may

Recital of act 23 Geo. 3. c. 23.

may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the said united company, and they are hereby authorized and impowered, by and with the consent and approbation of the commissioners of his Majesty's treasury for the time being, or any three or more of them, or of the high treasurer for the time being, at such time or times, and in such manner, as they shall find to be most for the advantage of the said united company, to borrow and take in, by subscription or otherwise, from any person or persons, bodies politick or corporate, who shall be willing to advance the same, any sum or sums of money, by the sale or mortgage of a fund attended with an annuity at the rate of three pounds *per centum per annum*, not exceeding in the whole the annual sum of thirty-six thousand two hundred and twenty-six pounds, sixteen shillings, being an annuity due to the said united company from the publick, in consideration of one million two hundred and seven thousand five hundred and fifty-nine pounds, fifteen shillings, part of the said sum of four millions two hundred thousand pounds; which said sale shall and may be made at such price or prices as the court of directors of the said united company, by and with the consent and approbation of the commissioners of his Majesty's treasury for the time being, or any three or more of them, or the high treasurer for the time being, shall think fit; and that from and after the time of such sale, the said annuities shall be paid and transferred in like manner, and the proprietors and holders shall, in all respects, hold their respective shares of the said fund, to be purchased as aforesaid, in like manner, and upon the same terms as the respective present proprietors now hold and enjoy the respective sums belonging to them in the said annuity fund of two millions nine hundred ninety-two thousand four hundred and forty pounds, five shillings; and the said annuities, so to be sold as aforesaid, shall be consolidated with the said fund of two millions nine hundred ninety-two thousand four hundred and forty pounds, five shillings; and the said debt of four millions two hundred thousand pounds, due from the publick to the said united company, and the annuities payable in respect thereof, shall be a collateral security to the proprietors and holders of the said annuities, so to be sold or mortgaged as aforesaid, in the same manner as for the said sum of two millions nine hundred ninety-two thousand four hundred and forty pounds, five shillings, heretofore sold under the before recited act of the twenty-third year of the reign of his late majesty King *George* the Second, but subject nevertheless to such and the like proviso, or condition of redemption by the company, as the said sum of four millions two hundred thousand pounds, due to the company by the publick is or shall be subject and liable by any act or acts of parliament.

Company may borrow, with the approbation of the treasury, any sum at 3*l.* per cent. the annual interest of which does not exceed 36,226*l.* 16*s.*

The additional annuities to be paid on the same terms as the money borrowed under the recited act, and secured by the publick in the same manner, &c.

II. And be it further enacted by the authority aforesaid, That it

Company may add to their

capital stock 800,000l. by subscription.

it shall and may be lawful to and for the said united company, and they are hereby authorised and impowered, by and with the consent and approbation of the commissioners of his Majesty's treasury for the time being, or any three or more of them, or of the high treasurer for the time being, at any time or times hereafter, to open books, and to receive subscriptions from any person or persons, natives or foreigners, bodies politick or corporate, for enlarging their present capital stock or fund of three millions two hundred thousand pounds, to any sum not exceeding the further sum of eight hundred thousand pounds capital stock, so as to make their whole capital stock the sum of four millions; which said additional capital stock shall be subscribed and paid for at the rate of one hundred and sixty pounds for every one hundred pounds of such stock, or at such other rate as the court of directors of the said united company, with the consent and approbation of the commissioners of his Majesty's treasury for the time being, or any three or more of them, or of the high treasurer for the time being, shall direct; which said subscription shall be made, and the money for the said additional stock shall be paid in such manner and form, and by such instalments and proportions, as the said court of directors, with such consent and approbation as aforesaid, shall appoint; and the capital stock so subscribed and paid for, shall, from and after the time of such payment, be deemed, considered, and taken, as and for a part of the capital stock of the said company; and the said subscribers, from and after the time of making full payment for the said additional stock, and their respective executors, or administrators and assigns, shall at all times be deemed and reputed to be members of the said united company, and incorporated therewith, and shall be intitled unto, and have, hold, and enjoy all and every the profits, benefits, privileges, advantages, and immunities, and be subject and liable to all and every the regulations, rules and orders, whereto the present stockholders and members of the said united company, in respect of the stock held by, and belonging to them, are respectively intitled, subject, and liable unto, by any act or acts of parliament, charter, or bye-law, or otherwise howsoever; and the said additional stock shall be transferrable and assignable in the like manner, and the proprietors and holders thereof shall hold their respective shares of the said additional stock in like manner, as the respective present stockholders of the said company now do, and hereafter shall hold and enjoy the respective sums now belonging to them in the present capital stock of the said united company; and the same shall, in all respects, be consolidated and united as one joint stock.

Subscribers to be incorporated with the campany, etc.

III. And be it further enacted by the authority aforesaid, That the said united company shall and may, from time to time, make and pay the like dividends, to the proprietors of the said additional stock, as they now do and hereafter shall and may make and pay to the proprietors and holders of the present stock of the said united company; the first of which said dividends

Dividends on the additional stock to be paid as on the present stock.

dends shall commence from such time as shall be specified in the proposals or terms to be offered for the said subscription by the said court of directors, with such consent and approbation as aforesaid.

IV. Provided nevertheless, and be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said court of directors, with such consent and approbation as aforesaid, to give the option and preference, in subscribing for the said additional stock, to such persons as shall hold the said company's stock at the time or times of such subscription as aforesaid, as far as, and not exceeding the amount of fifty pounds *per centum* on the capital stock which shall then be held by each stockholder so subscribing, for all such sums as they shall subscribe on or before the first day of *September*, one thousand seven hundred and eighty six; and in case the subscriptions, made by them on or before the said first day of *September*, one thousand seven hundred and eighty-six, shall exceed the sum proposed to be sold at that time, a proportionable deduction shall be made from each subscription; and if such subscription shall, on the close thereof, on the first day of *September*, one thousand seven hundred and eighty-six, fall short of the sum proposed to be sold, the deficiency shall be disposed of to other persons, as the said court of directors, with consent and approbation as aforesaid, shall think fit.

Preference in subscribing for the additional stock, may be given to the present proprietors, so as not to exceed 50l. per cent. on the stock now held by them.

If sum so subscribed be more than sufficient, a proportionable deduction to be made from each subscription.

V. Provided always, and be it further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to prevent or restrain the court of directors of the said united company, by and with such consent and approbation as aforesaid, from agreeing with one or more person or persons, bodies politick or corporate, for the sale of the whole of the said annuity hereby authorised to be sold, or for the sale of the said additional capital stock, or for such part or parts thereof respectively as they shall from time to time think fit, and find it necessary and proper to sell; but it shall and may be lawful for the said court, with such consent and approbation as aforesaid, to contract for and agree to sell the whole, or any part thereof, respectively, to one or more person or persons.

Court of directors may sell the whole, or part of the stock to one or more person or persons, with the consent of the treasury.

VI. And be it further enacted, That, as soon as reasonably may be after the deposit or first payment shall be made for the said annuites, hereby authorised to be sold, or for the said additional stock to be subscribed for, the said company's cashier or treasurer shall give a receipt for the same, and so from time to time as future payments shall be made, which said receipts shall be assignable and transferrable by indorsement thereon; and when the first payment shall be made on the said annuities to be sold, and on the said additional stock to be subscribed for as aforesaid, the holder of such receipt, on delivering up the same, shall have his or her name entered, in proper books to be kept by the said united company for those purposes, with an account of the annuity fund or the capital stock belonging to each pro-

Receipts to be given for deposits, and to be transferable by indorsement.

prietor, in like manner as the account of the present proprietors of *India* annuities and stock are respectively kept.

Deposits to be forfeited if sub'criptions are not duly paid.

VII. Provided always nevertheless, and be it further enacted, That in case any subscriber or subscribers, after having subscribed, shall fail in making all or any the payments agreed at the respective times for such payments, then, and in every such case, the said united company shall and may take in subscriptions for and sell the annuity fund, or stock subscribed for by such defaulter, to any other person or persons, and all deposits and payments made by such defaulter previous to such default, shall be forfeited to, and become the property of the said united company.

Guardians may purchase for infants, etc.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any guardian or trustee having the disposition of the money of any infant, to purchase the said annuities, and subscribe and pay for the said additional stock, or any part thereof respectively, upon the terms and conditions contained in this act; and such infant, upon the payment of such sum or sums by such guardian or trustee, shall be intitled unto the annuities or stock, so subscribed and paid for on his account, and to all advantages in respect thereof, in like manner as any other purchaser or subscriber; and the said guardian or trustee, as to the sum or sums advanced by him, shall be, and is hereby discharged in respect thereof, so as the name of such infant shall be expressed in the receipt or receipts for such money.

Publick act.

IX. And be it further enacted, That this act shall be deemed and taken to be a publick act; and shall be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same.

CAP. LXIII.

An act for the further preventing frauds and abuses attending the payment of wages, prize money, and other allowances, due for the service of petty officers and seamen on board any of his Majesty's ships.

Preamble.

WHEREAS *great frauds and abuses are daily practised in the receiving of seamen's wages, notwithstanding former acts of parliament made for preventing the same: for remedy whereof*, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the

From Aug. 1, 1786, no letter of attorney of a petty officer, &c. to be valid, unless made revocable.

authority of the same, That, from and after the first day of *August*, one thousand seven hundred and eighty-six, no letter of attorney, made by any petty officer or seaman in the service of his Majesty, his heirs or successors, or letter of attorney made by the executors or administrators of any such officer or seaman, in order to impower or entitle any person or persons to receive any wages, pay, or allowances of money of any kind, due or to grow due for such service, shall be good and valid, or sufficient for

for that purpose, unless such letter of attorney shall be made and declared to be revocable by the express words thereof; and that no letter of attorney, or will, made by any petty officer or seaman in the service of his Majesty, his heirs or successors, whereby any wages, pay, prize money, or allowance of money of any kind, due or to grow due for such service, is authorised to be received or bequeathed, shall be good and valid, and sufficient for the purpose, unless such letter of attorney, or will, if made by any such officer or seaman then in the service of his Majesty, his heirs and successors, shall be signed before, and attested by, the captain, or by the officer then commanding, and one or other of the signing officers of the ship to which such petty officer or seaman shall belong, and shall specify in the body thereof the name of the ship, and also the number at which the maker of such will, or letter of attorney, stands upon the ship's book; or by the agent of any of his Majesty's hospitals or quarters appointed to receive sick and wounded seamen, commonly called *Sick Quarters*, in which such petty officer or seaman may be for the time; and unless such letter of attorney, or will, if made by any such officer or seaman who shall have been discharged from the service of his Majesty, his heirs or successors, or if such letter of attorney is made by the executors or administrators of any such officer or seaman, and made within the bills of mortality of the cities of *London* and *Westminster*, is attested by an officer to be appointed by the treasurer of his Majesty's navy, for the purpose of inspecting the wills, and letters of attorney, of such officers and seamen, or, if made at any of the ports where seamen's wages are paid, is attested by the treasurer of the navy's chief or second clerk there, or if made at any other place, is attested by the minister and churchwardens of any parish in *England* or *Ireland*, or in that part of *Great Britain* called *Scotland*, by the minister and two elders of the parish where such petty officer or seaman, executors or administrators, shall respectively reside.

Letters of attorney, &c. to be attested by the captain of the ship, &c.

if made within the bills of mortality, to be attested by an officer appointed for that purpose; if in any out port, by the treasurer of the navy's clerk; and in any other place by the minister, etc.

II. And be it enacted by the authority aforesaid, That every such letter of attorney, and will, shall contain the name of the ship to which the person granting the same last belonged, and also the full description of the residence, profession, or business, of the person to whom or in whose favour the said letter of attorney, or will, is made, and also the day of the month, and place where the said letter of attorney, or will, was executed.

Particulars to be specified in letters of attorney and wills.

III. And be it enacted by the authority aforesaid, That after such letter of attorney, or will, shall be executed under the hand and seal of the party, and attested in manner above mentioned, the same shall not be delivered to such party himself, or to any person or persons for his behalf, but the same, if executed abroad, shall be, with all convenient speed, sent by the commander of any of his Majesty's ships, or agent of his Majesty's hospitals or sick quarters, at the times when they transmit their respective returns to the navy and sick and hurt boards; or, if

Letters of attorney, etc to be transmitted to the navy, or sick and hurt boards, etc.

executed in *Great Britain* or *Ireland*, shall be sent by the commander of any of his Majesty's ships, agents of his Majesty's hospitals or sick quarters, treasurer of the navy's clerks, minister of the parish, or whoever of them shall attest such letter of attorney, or will, by the general post, addressed to the treasurer or paymaster of the navy, at the navy pay office, *London*.

Letters of attorney, etc to be delivered to the officers appointed to inspect them, who is to register them;

IV. And be it enacted by the authority aforesaid, That the said treasurer or paymaster of the navy shall immediately deliver over the same to the officer before mentioned, appointed for inspecting the wills and letters of attorney of seamen; which inspector shall, immediately on receipt of such letter of attorney, or will, duly register the same, in a numerical and alphabetical manner, in a separate book or books, to be kept by him for the purpose of registrating such letters of attorney, and wills, specifying the date of such letter of attorney, or will, and the place where executed, the name and addition of the person in whose favour such letter of attorney is granted, and the name and addition of the executor or executors named in such wills, and the names and qualities of the witnesses attesting the same; and

and to examine the signatures of the witnesses;

the said inspector is directed and hereby required, if the same shall appear to be witnessed by the commander of any ship, or agent of his Majesty's hospital or sick quarters, or treasurer of the navy's clerks, to examine and compare his signature to the attestation of such letter of attorney, or will, with that set and subjoined to the pay or muster books of such ship, or with the returns made by the agent of such hospital or sick quarters, or any publick accounts signed by such clerk of the treasurer of the navy, to all which documents it is hereby directed he shall have free access at all times, or with any other instruments

and where they appear not to be genuine, to stop them and acquaint the parties thereof.

which he may have in his possession or power; and in case it shall appear to him that such letter of attorney, or will, is not genuine and authentick, he shall not pass the same, but shall give notice by letter, to be sent by the general post, to the person in whose favour such letter of attorney is granted, or person or persons named executor or executors in such will, informing him or them that the said letter of attorney, or will, is stopt, and the reason thereof; but if, upon such examination and enquiry, it shall appear to the said inspector that the said letter of attorney, or will, is genuine and authentick, he, or a person authorised to officiate for him, shall sign his name to such letter of attorney, or will, and also put a stamp thereon, to be made and kept for the purpose, in token of his approbation thereof; and every such letter of attorney shall be kept as one of the vouchers of the treasurer of the navy's accounts: and the said inspector shall, immediately after such enquiry and approbation, give notice by letter, to be sent by the general post to the person in whose favour such letter of attorney is granted, that he has received and approved of the same, and he shall at the same time send to such attorney a check, specifying the number of such letter of attorney, the name and addition of the person granting the same, the name and addition of the person in whose favour

If genuine, approbation to be stampt thereon, and kept as vouchers of the navy accounts.

Notice to be sent to the attornies when powers are approved, and also checks to authorize

favour the same is granted, the date and place when and where executed, and the names of the witnesses attesting the same, which said check shall be signed and stamped by the said inspector, or person authorized to officiate for him, and shall to such attorney stand in the place of his original letter of attorney, and shall be to him a sufficient authority to demand payment of and discharge all such wages, pay, prize money, or allowance of money, to which the person granting the same was entitled for his service on board any of his Majesty's ships; and the said inspector shall in like manner give notice, to be sent by the general post to the person or persons named and appointed executor or executors in such will, that such will is received and approved of; and the said inspector shall number and register the said will so signed and stamped by him as aforesaid, and shall make out a check, in the manner as above directed with respect to letters of attorney, which check he shall forward in like manner to the said executor or executors, and which shall be a sufficient authority for them, or for their attornies, to apply, upon the testator's death, to the said inspector, requesting that the will may be directed and sent by him to a proctor in *Doctors Commons*, where they may, on application, obtain probate thereof; which probate, when obtained, shall be lodged with the said inspector of seamen's wills, who, or the person authorized to officiate for him, is hereby directed to certify, upon the check formerly delivered, that a probate has been granted, and the check shall then, to such executor or executors, stand in the place of such probate, and shall be to him a sufficient authority to demand payment of and discharge all sums that shall be due to him as executor to the party who made the said will.

them to receive the money.

Notice of approbation of wills likewise to be sent, which will authorize the executor to obtain probates.

Probates to be lodged with the inspector, and the same certified upon the check.

V. And be it enacted by the authority aforesaid, That the above-mentioned inspector shall, in return to all letters of attorney and wills received by him from ministers of parishes, give notice as aforesaid to the said minister who transmitted the same, and not to the grantor thereof, of his having passed and approved of such letter of attorney, or will, and send the check by the general post, made out in the manner above-mentioned, to the said minister; and which notice from the said inspector shall be addressed to the minister of the parish, (naming the same), without inserting the name of such minister, to be delivered to him at his manse or dwelling house; and every such minister of a parish shall deliver the said check to the party who executed such letter of attorney, or will: and all letters and packets addressed to, or sent by, the said treasurer or paymaster of the navy, or inspector to be appointed as aforesaid, shall, from and after the passing of this act, be sent and received free from the duty of postage, in the same manner, and under the same restrictions, as the clerk assistant, and chief clerk without doors, of the house of commons of *Great Britain* now send and receive the same.

Inspector to send checks to the minister who transmits powers of attorney, etc. to be delivered to the grantors.

Letters touching the premises to pass free of postage.

VI. And be it enacted by the authority aforesaid, That all captains and commanders of ships shall, upon their monthly muster

Grants of letters of attorney to be in-

ſerted in the monthly returns.

muſter books or returns, ſpecify which of the men mentioned in the ſaid returns have granted any letter of attorney during that month, or ſpace of time from the preceding returns, by inſerting the date thereof oppoſite to the party's name.

The ſteps to be taken to recover wages, etc. due to men dying inteſtate.

VII. And be it enacted by the authority aforeſaid, That when any petty officer or ſeaman belonging, or who ſhall have belonged to any of his Majeſty's ſhips, ſhall die inteſtate, leaving any wages, pay, prize money, or allowance of money of any kind, due to them in reſpect of ſuch ſervice, the ſame ſhall not be paid unto any repreſentative of ſuch inteſtate, but upon letters of adminiſtration to be obtained in the following manner; *videlicet*, The perſon claiming ſuch adminiſtration ſhall give in a note or petition to the inſpector of ſeamen's wills, ſtating the name of the deceaſed, and to what part of his Majeſty's dominions he originally belonged, and the name or names of the ſhip or ſhips on board of which he ſerved, together with his own name and addition at full length, and his relation to, or connection with, the deceaſed, and alſo what other relations, to the beſt of his knowledge, the deceaſed has alive at the time, and where they are reſident; and which petition ſhall be certified by two reputable houſekeepers of the pariſh, town, or place where ſuch petitioner is reſident, certifying that they believe the contents of the ſaid petition to be true; and which petition and certificate ſhall be further certified by the miniſter of the pariſh, and two of the churchwardens, or two of the elders, certifying that the two perſons who certified the petition, in manner above mentioned, are reſident within the pariſh, and perſons of good repute: whereupon the inſpector of ſeamen's wills, as aforeſaid, ſhall make ſuch enquiry as to him ſhall appear neceſſary for aſcertaining the truth of the ſaid petition; and if, upon ſuch enquiry, he ſhall be ſatisfied of the truth thereof, and it alſo appearing that no will of ſuch deceaſed has been lodged with him, he ſhall deliver or ſend, to the perſon claiming to be ſuch adminiſtrator, an abſtract of the ſaid petition, with a note or ticket ſubjoined thereto, ſigned by the ſaid inſpector or perſon authorized to officiate for him, and marked with his ſtamp, certifying that the contents of the ſaid petition appear to him to be true, and that the perſon claiming to be adminiſtrator may obtain letters of adminiſtration to the deceaſed, provided he is otherways entitled thereto by law; which certificate ſhall be directed by the inſpector to a proctor in *Doctor's Commons*, for the purpoſe that letters of adminiſtration may paſs in favour of the petitioner, if entitled thereto by law, but not otherways; and ſuch original petition and certificate ſhall be lodged and remain in the records of the treaſurer of the navy, and be preſerved by him; and the letters of adminiſtration, when obtained, ſhall be lodged and regiſtered, in the ſame manner with the probates of wills, in the hands of the inſpector, who is hereby directed to grant a check, ſigned and ſtamped by him, or by the perſon authorized to officiate for him, to the adminiſtrators, or their attornies, which ſhall

stand in the place of the administration, and be to them a sufficient authority to demand payment of and discharge all sums that shall be due to them as administrators to the party deceased.

Penalty on proctors, etc. assisting in procuring probates of wills, etc. contrary to this act.

VIII. And it is hereby further enacted, That if any proctor, register, or other officer of any ecclesiastical court, shall be aiding and assisting in procuring probate of the will, or letters of administration, for the purpose of enabling any person to receive the wages, pay, prize money, or allowance of money of any kind, due or becoming due for their service on board any ship or ships then in, or formerly belonging to his Majesty, his heirs and successors, without first obtaining the certificate from the inspector of seamen's wills and letters of attorney, or person authorized to officiate for him, in manner above directed, every such proctor, register, or other officer, shall forfeit and pay the sum of five hundred pounds, and for ever after be incapable of acting as proctor, register, or in any other capacity, in any ecclesiastical court in *Great Britain* or *Ireland*.

Abstracts of this act to be hung up in every ship, and no captain to have his general certificate till the navy board are satisfied it has been done.

IX. And be it enacted by the authority aforesaid, That the lord high admiral of *Great Britain*, or the commissioners for executing the office of lord high admiral of *Great Britain*, shall direct abstracts of this act to be printed, and that a competent number of the copies of the said abstracts be delivered to the captain or commander of every ship and vessel of his Majesty, his heirs and successors; and such captain or commander, as soon as the ship or vessel by him commanded shall be put into sea pay, shall cause one of the said printed abstracts to be hung up and affixed to the most public place of such ship or vessel, and shall cause the same to be constantly kept and renewed, so that they may at all times be accessible to the petty officers and seamen on board of such ship or vessel; and the commissioners of the navy are hereby charged and directed strictly to enquire whether the directions hereby given for hanging up and affixing the said abstracts, as aforesaid, have been duly observed by the captain or commander of such ship or vessel, and not to grant such captain or commander his general certificate until they are fully satisfied thereof.

CAP. LXIV.

An act to discontinue, for a limited time, the several duties payable in Scotland *upon low wines and spirits, and upon worts, wash, and other liquors, there used in the distillation of spirits; and for granting to his Majesty other duties in lieu thereof.*

Preamble.

WHEREAS *the mode established by the laws and regulations now in force, for charging and securing the rates and duties imposed upon wort, wash, and other liquors, used, in that part of* Great Britain *called* Scotland, *for the distilling of spirits for home consumption, hath not been found to answer the good purposes thereby intended within that part of the united kingdom, and it is therefore expedient to impose, in lieu thereof, a moderate duty upon the said wort,*

wort, wash, and other liquors, to be ascertained by the size or content of the stills there lawfully used in the making of low wines and spirits, and to impose a further equalizing duty upon such spirits, made in Scotland *for home consumption, as shall be brought from thence into any other part of the united kingdom*; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the several rates and duties granted and imposed by any act or acts of parliament now in force, or which stand and remain discontinued or suspended, for any time or term, upon any wort, wash, or other liquor, or any mixture with the same, for extracting of low wines or spirits in *Scotland*, or upon the low wines or spirits there made or manufactured, or upon any licence required to be taken by any distiller or maker of spirits from corn or malt in *Scotland* (save only and except any arrears now due in respect of such rates or duties), shall be discontinued for the space of two years, to be computed from the fifth day of *July*, one thousand seven hundred and eighty-six.

The duties now payable in Scotland, on distillation of spirits, &c. to be discontinued for 2 years, from July 5, 1786.

II. And be it further enacted by the authority aforesaid, That, from and after the said fifth day of *July*, one thousand seven hundred and eighty-six, there shall be substituted, charged, and paid to his Majesty, his heirs and successors, by the distillers or makers of spirits in that part of *Great Britain*, called *Scotland*, for and during the aforesaid term of two years, the rates and duties following; that is to say,

From July 5, 1786, there shall, in lieu of the present duties, be paid the following, viz.

For every still 1l. 10s. annually, for each English wine gallon of its contents, where British materials are used.

For and upon every gallon, *English* wine measure, of the capacity or content of each and every still, including the head thereof, which shall be used or employed by such distiller or maker of spirits, for the making of low wines or spirits from corn, grain, malt, tilts, cyder, or perry, or other wash or liquor made or brewed from any sort or kind of *British* materials, or any mixture with the same, the yearly sum of one pound ten shillings sterling:

For each gallon of its contents 2l. 10s. where melasses or sugar is used.

For and upon every gallon, *English* wine measure, of the capacity or content of each and every still, including the head thereof, which shall be used or employed by such distiller or maker of spirits, for making low wines or spirits from melasses or sugar, or any mixture therewith, the yearly sum of two pounds ten shillings sterling:

3l. for every gallon where other foreign materials are used.

For and upon every gallon, *English* wine measure, of the capacity or content of each and every still, including the head thereof, which shall be used or employed by such distiller or maker of spirits for making low wines or spirits from foreign refused wine, or foreign cyder or wash prepared from foreign materials, except melasses and sugar, or any mixture therewith, the yearly sum of three pounds sterling:

No wash still under 50 gal-

Which said respective duties shall be paid by the person or persons,

sons, and at the respective times, and in the manner hereinafter mentioned: provided that no wash still to be so licensed, shall be of a less content or capacity, including the head thereof, than fifty gallons, *English* wine measure; and that there be at the same time licensed with every wash still, or low wine still, or spirit still, of a content or capacity not less than one fourth part of the content or capacity of such wash still.

sons to be licensed, nor then, unless therewith be licensed a spirit still of one fourth of its content.

III. And be it further enacted, That, from and after the said fifth day of *July*, one thousand seven hundred and eighty-six, no person or persons whatever shall by him, her, or themselves, or by any other person or persons whatever, employed by him, her, or them, or for his, her, or their use or benefit, work or erect any still or stills, for the distilling, making, or manufacturing of low wines or spirits, from malt or corn, or any of the materials aforesaid, in *Scotland*, without first taking out a licence or licences for that purpose; which licences shall be, from time to time, granted by such persons in *Scotland* as the commissioners of his Majesty's treasury, or the lord high treasurer for the time being, shall authorise and appoint, and which persons shall be under and subject to the order and controul of the commissioners of excise in *Scotland*, in such manner as the said commissioners of the treasury, or the lord high treasurer, shall declare and direct, and which licence the said person or persons so to be authorised are hereby directed to grant to all persons who shall apply for, and be duly qualified to receive the same, ten days at least before he, she, or they shall so erect or work such still or stills, and first paying into the hands of the proper officer of excise such proportion of the yearly rate or duty hereby imposed, according to the content or capacity of the still or stills so to be worked or erected as aforesaid, as is herein-after directed.

No distiller to work without first taking out a licence.

IV. Provided always, and be it further enacted, That it shall and may be lawful for any distiller or distillers, after obtaining such licence as aforesaid, to prepare wort, wash, or tilts, for the space of ten days before the time fixed by the said licence for commencing distillation; provided also, That such distiller or distillers shall not begin to distil any low wines or spirits, previous to the time fixed by the said licence for that purpose, upon pain of incurring all the penalties and forfeitures directed to be inflicted on persons working with unlicensed stills.

Distillers may prepare wort 10 days before the commencement of licences, but incur the penalties for using unlicensed stills, if they begin to distil before such commencement.

V. And be it further enacted, That every licence to be granted by virtue of this act shall continue in force twelve calendar months from the date thereof, and no longer; and that all and every person or persons who shall take out any such licence as aforesaid, and who shall intend to continue to work any still or stills, after the expiration of such licence, is and are hereby required to take out a fresh licence, ten days at least before the expiration of twelve calendar months after taking out the former licence, in manner before directed, and to pay the like sum upon the granting every renewed licence, as is by this

Licences to be renewed annually, ten days before expiration.

this act provided and directed in the caſe of the original or firſt licence.

Licences may be taken out within ſix weeks after July 5, 1786, which will continue in force till July 5, 1787, etc.

VI. Provided always, and be it enacted, That it ſhall and may be lawful for every perſon or perſons to take out a licence or licences under this act, at any period within the ſpace of ſix weeks after the commencement of this act, which licence or licences ſhall continue and be in force until the fifth day of *July*, which ſhall be in the year of our Lord one thouſand ſeven hundred and eighty-ſeven; at which period every licence taken out under this act ſhall ceaſe and determine, unleſs renewed in the manner herein-after directed: provided alſo, That every ſuch perſon or perſons who ſhall take out any licence or licences within the ſaid ſix weeks after the commencement of this act, ſhall be obliged to pay in advance for ſuch licence or licences a rateable proportion of the licence duty by this act impoſed, correſponding to the number of weeks or days that ſhall be to run before the ſaid fifth day of *July*, which ſhall be in the year of our Lord one thouſand ſeven hundred and eighty-ſeven.

Licences may be taken out at any time during the firſt year, on the terms herein ſpecified.

VII. Provided alſo, and be it enacted, That it ſhall and may be lawful for any perſon or perſons to take out a licence or licences under this act at any period during the firſt year of this act, which licence or licences ſhall be current to the fifth day of *July*, which ſhall be in the year of our Lord one thouſand ſeven hundred and eighty-ſeven; and ſuch perſon or perſons, upon taking out ſuch licence or licences, ſhall pay down the licence duty by this act impoſed, as if ſuch licence or licences had been taken out at the expiration of the ſaid firſt ſix weeks as aforeſaid, and ſhall alſo pay *per* advance ſuch rateable proportion of the duty for the time that ſhall remain of the ſaid licence or licences being in force, in the manner herein-after directed.

Unlicenſed perſons uſing ſtills forfeit 3l. for each gallon of their contents, and the ſtills, etc. to be deſtroyed.

VIII. And be it further enacted, That if any perſon or perſons ſhall, after the ſaid fifth day of *July*, one thouſand ſeven hundred and eighty-ſix, erect, work, or uſe any ſtill or ſtills for the diſtilling, making, or manufacturing of low wines or ſpirits from malt or corn, or any other of the materials aforeſaid, in *Scotland*, or keep any ſuch ſtill or ſtills, without firſt taking out ſuch licence, or renewing the ſame yearly, in manner aforeſaid, he, ſhe, or they ſhall reſpectively forfeit, for every ſuch offence, the ſum of three pounds ſterling for each gallon *Engliſh* wine meaſure of the capacity or content of ſuch ſtill or ſtills; and ſuch ſtill or ſtills, with the whole utenſils for brewing or manufacturing worts, waſh, low wines or ſpirits, in the poſſeſſion of ſuch perſon or perſons, ſhall be ſeized and forfeited, and the ſaid ſtill or ſtills ſhall be compleatly deſtroyed in the preſence of the magiſtrate before whom the ſaid ſtill or ſtills and utenſils ſhall be condemned; which ſums ſhall be levied and taken from every offender, without deduction or mitigation by any court or magiſtrate whatever, any act or acts to the contrary notwithſtanding.

IX. Pro-

Persons using stills in unentered places to forfeit 3l. for each gallon of their contents, and 200l. for each time of working.

IX. Provided always, and be it enacted, That no distiller or distillers, maker or makers of low wines or spirits from malt or corn, or any other of the materials aforesaid, shall erect, work, use, or have in his, her, or their possession any still or stills, upon any pretence whatever, in any house or place other than the house or place previously entered by him, her, or them, at the proper office of excise, according to the several laws in that behalf made and provided, on pain of forfeiting and losing the sum of three pounds sterling for each gallon of the capacity or content of such still or stills, and of the further sum of two hundred pounds sterling for each time it shall be proved that he, she, or they hath or have used such still or stills, the same to be levied without mitigation in the manner aforesaid, and the said still or stills shall be seized, forfeited, and destroyed in the manner aforesaid, any act or acts to the contrary notwithstanding.

One sixth part of the annual duty to be paid when licences are granted, and a proportionable part every two months afterwards.

X. And be it further enacted, That upon, or previous to the granting of any such first or renewed licence, the person or persons applying for the same shall, before he, she, or they shall be intitled to such licence, make payment in advance to the proper officer of excise appointed to receive the same, of one sixth part of the annual duty hereby charged upon his, her, or their stills, and shall afterwards, at the expiration of the first two months, and so afterwards at or before the end of every two months of the unexpired term of his, her, or their said annual licence, make payment in advance of a further proportional part of the said annual duty, in such form and manner as that the said duty shall always be paid two months in advance into the receipt of the excise.

None but the owners of stills to be entitled to licences.

XI. And be it further enacted, That no person or persons shall be capable of taking out or receiving any such licence as aforesaid, save only the actual owner or owners of the still or stills intended to be worked by virtue thereof, and of the implements thereto belonging, and every person and persons demanding such licence shall, if required, take and subscribe an oath, before one or more of the commissioners of excise in *Scotland*, or any justice of the peace for the county in which he, she, or they shall happen to reside, (and which oath such commissioners or justice are and is hereby impowered to administer), that the said still or stills, and implements, are his, her, or their property, and that the work intended to be carried on is at his, her, or their risque, and on his, her, or their account; and in every licence, which shall be granted by virtue of this act, there shall be expressed and specified the christian name or names, and the surname or surnames of the person or persons to whom the same shall be respectively granted, the place or places of his, her, or their respective residence, and the name of the parish or place where such still or stills are intended to be set up, erected, and used, together with the respective dimensions or gauges of such still or stills, and declaring for what particular use each respective still is intended to be employed, whether it be for the distillation

Licences to express the party's name, &c.

of

of low wines, or for the distillation of wash, and if for the distillation of wash, specifying from what materials such wash shall be prepared, and also specifying the sum or sums paid for the duty, and the times when the future payments shall respectively become due, and when such licence will cease and expire.

Wash still may be used as a spirit still, etc.

XII. Provided always, and be it enacted, That no words contained in the said licence shall extend, or be construed to extend, to prevent any distiller or distillers to use his wash still in distilling of spirits, or his spirit or low wine still in distilling of wash, upon notice being previously given to the officer, and the cause stated for such alteration in the said notice.

Rectifiers of spirits, etc. not to have licences for distilling, etc.; nor to carry on both trades at one time.

XIII. And be it further enacted, That it shall not be lawful for the person or persons to be named as aforesaid to grant, or to authorize any other person or persons to grant, to any rectifier or compounder of spirits, or to any common brewer or victualler, any licence for working, erecting, or keeping of any still or stills, for the distilling of wash or low wines, so long as he, she, or they doth or shall continue to carry on the business of a rectifier or compounder of spirits, or common brewer or victualler for brewing or selling of beer or ale, in *Scotland*; and that no person or persons shall be allowed during the continuance of this act, to carry on the trade of a distiller with that of common brewer or victualler, or the trade of a rectifier of spirits with that of a common brewer or victualler, at one and the same time, on pain that every such person or persons shall be deemed to carry on such respective trades contrary to law, and be liable to the several pains and penalties inflicted against persons carrying on the trade of a distiller or rectifier without licence.

No licence to be valid till indorsed by the officer of excise of the district.

XIV. And be it further enacted, That, during the continuance of this act, no licence to be granted as aforesaid shall be available or of any effect until the same shall have been produced to, and a copy thereof delivered to, the officer of excise of the division, district, place, or bounds wherein the still or stills thereby to be licensed is or are erected, or intended to be erected, the production and receipt of which licence every such officer is hereby required to acknowledge and certify *gratis*, under his hand, by indorsement upon such licence (if the party shall require the same), and that such production and delivery shall be deemed and held as a sufficient entry of such still or stills; any thing herein, or in any other act or acts contained to the contrary notwithstanding.

New stills, of the same capacity, may be erected in place of destroyed ones, without a new licence.

XV. And be it further enacted, That if any such still or stills, to be so licensed as aforesaid, shall, during the continuance of such licence, by any unavoidable accident, be destroyed or rendered unfit for use, the owner thereof shall immediately give notice in writing of such accident to the proper officer or supervisor of excise of the division, district, place, or bounds, and shall be at liberty forthwith after such notice to erect a new still or stills; and in case such new erected still or stills be not of a larger

larger capacity or content than the said former still or stills respectively, it shall be lawful for such owner or owners to work the same, during the term to come and unexpired of his, her, or their subsisting licence or licences, without taking out any new licence for that purpose; but if such new erected still or stills shall be of any larger capacity or content respectively than the said former still or stills, the owner or owners thereof shall take out a new licence for erecting and working the same, which new licence shall have duration only for the unexpired term of the old licence, and an additional duty for such unexpired term shall be advanced and paid according to the increased capacity or content of such new still or stills, on the taking out of such new licence.

If licences be not renewed, the stills must be taken down, etc.

XVI. And be it further enacted, That if the owner or owners of any licensed still shall not, within the time limited by this act for the renewal of licences, renew his, her, or their licence for the next ensuing year, such owner or owners shall, immediately after the expiration of his, her, or their said licence, either wholly pull down his, her, or their still or stills, in the presence of the proper officer of excise of the division, district, or place, or deposit in the excise office of the division, district or place, the head of every such still, and such of the utensils or implements belonging to such still as such officer shall think proper to select, and also remove and take away the several pipes and worms of such still or stills, to the satisfaction, and under the direction of the said officer, so as thereby effectually to render such still or stills incapable of being worked or used, in which state such still or stills shall remain and continue until the same shall be either again duly licensed, according to the directions of this act, or be absolutely and wholly pulled down, removed and disposed of, in the presence of the proper officer of excise; and if any such owner or owners shall neglect or refuse to observe or comply with any of the directions hereby given, he, she, or they shall forfeit and lose, for every such neglect or refusal, the sum of three pounds sterling for each gallon of the content of such still or stills; and every such still or stills shall also be lost and forfeited, and be utterly destroyed in the presence of the magistrate before whom the same shall happen to be condemned.

Penalty on neglect.

Notice of the change of property in stills must be given to the officer of excise.

XVII. And be it further enacted, That when and so often as the property and possession of any licensed still or stills shall be changed, the person or persons becoming intitled thereto shall forthwith, after such change of property and possession, and before any such still or stills is or are by him, her, or them attempted to be charged and worked, give notice thereof in writing to the proper officer of excise of the division, district, place, or bounds, within which such still or stills shall be situated; and shall thereupon, and upon making oath before a magistrate of his, her, or their property therein, if required by such officer, be permitted to work such licensed still or stills, for the unexpired term of the subsisting licence, upon the same conditions as are expressed and specified in such licence.

Notice must be given by the purchaser of a licensed still, if he does not intend to work it, etc.

XVIII. Provided always, and be it further enacted, That if upon any such change of property and possession of or in any such licensed still or stills, the person or persons becoming intitled thereto shall not be desirous of working such still or stills, such person or persons shall, within three days after his, her, or their title thereto shall have accrued, signify the same in writing to the proper officer of excise, and deposit with him the head or heads belonging to such still or stills, and also such of the utensils belonging thereto as the said officer shall select, in order to render such still or stills incapable of being used, and such still or stills shall not be again used until a new licence shall be granted for that purpose, and the duty which would have become due for the unexpired term of the subsisting licence, to be computed from the time of giving such notice as aforesaid, shall cease to be paid; but no claim shall lie for repayment of any part of the duties which shall have been paid in advance as aforesaid.

Persons neglecting to pay the duties regularly, or using other than licensed stills, not to have licences granted, etc.

XIX. And be it further enacted, That if any person or persons, being licensed as before mentioned, shall neglect to pay the said duties imposed by this act, or any part thereof, in advance, in the manner and at the time or times directed by this act; or if any person or persons shall erect, work, or make use of, any other still or stills, in that part of *Great Britain* called *Scotland*, than what shall be specified in his, her, or their licence, whether of the same, or of any different description, capacity, or content, than shall have been so specified, every such person or persons shall be subjected and liable to the pains, penalties, and forfeitures, which are herein-before inflicted for the offence of erecting or using an unlicensed still or stills, and shall be rendered incapable of receiving any licence for carrying on any distillery in future.

Penalty on persons not being licensed distillers, who shall distil, etc.

XX. And be it further enacted, That if any rectifier or compounder of spirits, or any chemist, druggist, or perfumer, or any person whatever, other than a licensed distiller, shall have in his, her, or their possession any wort, wash, tilts, or other fermented liquor, capable of being distilled into low wines or spirits, or shall distil or extract any low wines or spirits from wort, wash, tilts, corn, melasses, sugar, cyder, refused wines, or other liquor, every such person or persons so being in possession of any such materials, prepared for the purpose of being distilled into low wines or spirits, shall forfeit and lose the sum of five pounds for every gallon of such wort, wash, tilts, or other fermented liquors, together with all the wort, wash, tilts, or other liquors in his, her, or their custody or possession; and every such person or persons, so unlawfully distilling or extracting as aforesaid, shall forfeit, for every such offence, the sum of five pounds for every gallon of the capacity or content of his, her, or their still or stills; and such still or stills, together with the implements and utensils thereunto belonging, shall be seized and forfeited, and shall, on the condemnation thereof, be destroyed in the manner herein-before directed in other cases of the forfeiture of any still or stills; and such person or persons shall moreover forfeit and lose

lose all the worts, wash, tilts, and spirits in his, her, or their custody.

No chemist, etc. to use stills without licence;

XXI. And be it further enacted, That no person or persons, in that part of *Great Britain* called *Scotland*, shall, during the continuance of this act, be capable of carrying on the trade or business of a chemist, druggist, or perfumer, who shall use any still or stills, or any other trade or business requiring the use of any still or stills, without first taking out an annual licence for that purpose from the person or persons to be nominated and appointed as aforesaid, and which licences the said person or persons shall and are hereby required to grant accordingly, upon the payment of such fees for the same as are herein-after directed to be paid for such licences, but free from the payment of every duty of excise; and every such licence so granted shall specify the christian name or names, and the surname or surnames, trade and business, of the person or persons thereby licensed, and the place where such trade or business is intended to be carried on, and the number of their respective stills, and the capacities or contents thereof respectively; and no chemist, druggist, or perfumer, shall use or have in his, her, or their possession any still or stills of any greater capacity or content than that of fifty gallons, *English* wine measure, upon pain of forfeiting the sum of five pounds sterling for every gallon which the content of such still or stills shall exceed the quantity of fifty gallons as aforesaid; and every such licence shall be produced, and a copy thereof delivered, by or on behalf of the person or persons taking out the same, unto the excise officer of the division, district, place, or bounds, before the same shall be available in law; and such officer shall, on the requisition of the party or parties, acknowledge, in writing to be indorsed on such licence, the production thereof, and the receipt of such copy; and every such licence shall remain and continue in force from the date thereof, for and during the space or term of twelve calendar months next ensuing, and may be renewed for a further term of twelve calendar months within the space of ten days before the expiration thereof; and if any chemist, druggist, perfumer, or other person or persons, shall use any still or stills, for any purpose whatever, without first taking out a licence for the same, and producing such licence, and delivering such copy thereof to the officer of excise as aforesaid, or shall make use of any other still or stills than such as shall be specified in such licence, or shall make use of any such licensed still or stills at any place other than the place which shall be specified in the said licence, or in any house or place other than his, her, or their usual dwelling or known place of carrying on his, her, or their trade and business, every such person or persons shall respectively forfeit and lose the sum of one hundred pounds sterling for every such offence, to be levied and paid without mitigation.

nor to have stills of greater capacity than 50 gallons, on penalty of 5*l.* for every gallon above that quantity.

Chemists, etc. using stills without licence, etc. forfeit 100*l.*

Fees to be paid on taking out licences.

XXII. And be it further enacted, That, for and upon the content or capacity of every still of one hundred and twenty gallons, or upwards, for which any licence shall be granted under

and by virtue of this act, there shall be paid, by the persons taking out such licence, a fee after the rate of one penny sterling *per* gallon, and for every other licence to be granted by virtue of this act, a licence fee of five shillings sterling, which fees shall be received by and belong to such officer or other person who shall be appointed as aforesaid; and in consideration thereof, the persons who shall be intitled to the benefit of the said fees shall keep a register of all the licences which shall be granted by virtue of this act, and shall, twice in every year, or oftener if required by the said commissioners, deliver a duplicate thereof into the general excise office in *Edinburgh*, for the safe custody thereof.

Licences for stills of greater capacity than 50 gallons, may be granted, to carry on chemical experiments, etc.

XXIII. Provided nevertheless, and be it further enacted, That if it shall be made appear to the said commissioners of excise, that any useful processes or experiments in chemistry, in that part of *Great Britain* called *Scotland*, shall require a still or stills of greater content or capacity than that of fifty gallons, *English* wine measure, as aforesaid, it shall and may be lawful to and for the said commissioners to authorize and direct a licence or licences to be granted to the owner or owners of such chemical work or works, to use, for the purposes aforesaid, a still or stills of any larger content or capacity than as aforesaid; which licence or licences shall be in force for the space of one year, and no longer, and for each of which licences a fee of five shillings, and no more, shall be paid to the person or officer to be appointed as aforesaid, and which said chemical works, if specified in any such licence to be secret works, shall not be liable to visitation by any officer or officers of excise, excepting only under the conditions and limitations, according to which the chemical works, which are or shall be carried on by *Archibald* earl of *Dundonald*, his executors, administrators, or assigns, may or can be lawfully visited and examined.

But if used for distilling spirits, to be forfeited, etc.

XXIV. Provided also, and be it further enacted, That if, upon any such visitation or examination, it shall be found that any such still or stills of such larger content or capacity have been used in the distilling of spirits, low wines, or wash, wort, or tilts, prepared from any of the materials aforesaid, contrary to the true intent and meaning of the said licence, such still or stills, and all the utensils thereto belonging, shall be seized, lost, forfeited, and destroyed, as aforesaid, and the owners thereof shall be liable to the several pains and penalties imposed by this act upon unlicensed distillers.

Persons permitting stills to be set up in unlicensed places, liable to the penalties of using unlicensed stills.

XXV. And be it further enacted, That if any person or persons, occupying any house or tenement in that part of *Great Britain* called *Scotland*, shall permit any unlicensed still or stills to be set up or used in such house or tenement by any person or persons, for the making or distilling of low wines or spirits, without giving notice thereof to the proper officer of excise, within the space of three days after he or they shall have knowledge of the fact, such occupier or occupiers shall incur and be subject and liable to the same pains and penalties as are by law directed

to

to be imposed or inflicted on persons actually using any unlicensed still.

Officers may examine still houses, and if any are found working contrary to this act, the stills to be forfeited.

XXVI. And be it further enacted, That it shall and may be lawful for any officer or officers of excise in *Scotland*, to enter, during lawful hours, into the still house, or other place where any still or stills (whether the same be licensed or not licensed) shall be kept, worked, or used, or where any wort, wash, low wines, or spirits, are prepared or distilled, and to examine the same; and in case any still or stills shall be there found in a state capable of being worked, the same not having been duly licensed, or in case any wort, wash, low wines, or spirits, shall be there found contrary to the true intent and meaning of this act, every such still or stills, and the liquor therein, with all the utensils and implements thereto belonging, or therewith used, and also such wort, wash, low wines, and spirits, shall be seized by any officer or officers of excise, and shall be lost and forfeited, and the said still or stills shall be destroyed in the manner herein-before directed.

Officer entitled to 2s. 6d. per gallon, of the contents of stills seized on his own discovery of fraud; but not to exceed 21l. for one still.

XXVII. And be it further enacted, That every officer of excise who shall, in that part of *Great Britain* called *Scotland*, seize and bring to condemnation any still by this act made liable to seizure and forfeiture, (except in the case of such still or stills being seized on the discovery of any other person, in the manner herein-after specified), shall be entitled to a reward of two shillings and sixpence sterling for every gallon of the content or capacity of such still, including the head thereof, to be paid out of his Majesty's duties of excise in *Scotland*, upon an order from the said commissioners of excise, which order the said commissioners are hereby authorised and required to grant: provided nevertheless, That such reward shall not exceed the sum of twenty-one pounds sterling for any one still so seized as aforesaid: and if any person (not being an officer of excise) shall make discovery of any still liable to seizure and forfeiture as aforesaid, so as that the same shall be seized and condemned, such person or persons shall be entitled to a reward of one shilling and sixpence sterling for every gallon of the capacity or content of such still, to be paid on the condemnation thereof: provided also, that such reward shall not exceed the sum of ten pounds and ten shillings sterling for any one still so forfeited as last aforesaid; and the officers or officer of excise, by whom the same shall be seized, shall also be entitled to a reward of one shilling sterling for every gallon of the content or capacity of such still, so that such last mentioned reward shall not, for any one still, exceed the sum of ten pounds and ten shillings sterling; and that such several rewards shall be paid by the order of the said commissioners of excise as aforesaid; and if, by reason of the small size of any such still or stills, the said commissioners of excise shall think any of the rewards aforesaid insufficient, the said commissioners shall, and they are hereby authorised to augment the same respectively, not exceeding the respective sums aforesaid.

Persons, not officers, making discovery of stills liable to seizure, and the officers seizing, entitled to rewards as herein specified.

XXVIII. And be it further enacted, That if any officer of excise

Officers not seizing stills

in 24 hours after information, to be dismissed, etc.

excise shall, for the space of twenty-four hours after he shall have received information of any still being unlawfully erected, used, or kept, or of any wort, wash, tilts, or low wines, prepared and intended to be unlawfully used in distillation, wilfully neglect to seize the same respectively, every such officer so offending shall, upon complaint made thereof, and proof of the fact, to the satisfaction of the commissioners of excise in *Scotland*, be dismissed from his or their office, and shall never afterwards be capable of serving his Majesty in any office or place of trust whatever, and shall moreover forfeit and lose all such salary as shall be due to him at the time of his dismission; and in case the person or persons making such complaint shall be the same person or persons who gave the information as aforesaid, to the officer or officers so dismissed, such person or persons shall be entitled to a reward of one shilling and sixpence sterling, for every gallon of the content or capacity of the said still or stills, to be paid by the order of the said commissioners of excise out of the revenues of excise.

2s. 6d. per gallon to be allowed informers making complaint of officers not seizing.

No spirits to be removed from the manufactory without certificate from the distiller of the quantity, etc.

XXIX. And be it further enacted, That no spirits, made from any of the materials aforesaid, shall be removed or sent from the place of their manufacture, without being accompanied by a certificate, subscribed by the licensed distiller or maker thereof, or his known and authorised agent, expressing that the same were made by him, and also specifying the quantity of such spirits, and the number of casks or packages in which the same are contained.

Spirits removed by land carriage from Scotland into England, to be forfeited, etc.

XXX. And be it further enacted, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-six, no spirits, whether raw, rectified, or compounded, made from any of the materials aforesaid, in that part of *Great Britain* called *Scotland*, by any person or persons whatever, shall be removed or sent from that part of *Great Britain* called *Scotland*, into any other part of *Great Britain*, by land carriage; and if the same shall be so sent or removed, the said spirits, with the packages and casks containing the same, shall be forfeited and lost, with the horses and carriages employed in conveying the same.

All spirits removed by water into England, to be forfeited if not accompanied with a certificate, etc.

XXXI. And be it further enacted, That all spirits, whether raw, rectified, or compounded, made from any of the materials aforesaid, which shall, from and after the fifth day of *July*, one thousand seven hundred and eighty-six, be removed or conveyed by water from any part of *Scotland*, to any other part of the united kingdom, shall be accompanied by a certificate from the maker, distiller, rectifier, or compounder thereof, or his known and authorized agent, specifying the number and the respective marks of the several packages, and the quantity of gallons contained in each of such packages, and the respective degrees of strength of the spirits in each package, together with the different species or kinds of the said spirits, and shall also be accompanied by a regular clearance from the proper custom-house in *Scotland*; and that all spirits which shall be removed or conveyed, or be attempted to be removed or conveyed from *Scotland* into

into any other part of the united kingdom, without being accompanied by such certificate and clearance as aforesaid, shall, together with the packages containing the spirits, and the ship or vessel conveying the same, with her stores and tackle, be seized, lost, and forfeited.

Rectified spirits must also have a permit from the excise.

XXXII. Provided also, and be it further enacted, That when any rectified or compounded spirits shall be sent from that part of *Great Britain* called *Scotland* by water into any other part of the united kingdom, the same shall, over and besides such certificate and clearance as aforesaid, be accompanied with a permit from the proper officer of excise, or, in default thereof, such spirits, with the packages containing the same, shall be lost and forfeited: provided always, That no such spirits, ship or vessel, as aforesaid, shall be liable to seizure for or on the account of any small difference or deficiency in the gauge of such spirits at the time of their arrival in port, or any other deficiency, when the same shall be proved to have been occasioned by accident and without fraud.

Duties to be paid on the arrival of spirits from Scotland into England.

XXXIII. And be it further enacted, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-six, all spirits of a strength not exceeding that of one to ten over hydrometer proof, which shall be manufactured in *Scotland*, and brought from thence into any other part of the united kingdom, shall, upon the arrival thereof, be charged with a duty of two shillings upon each gallon, *English* wine measure; which sum, together with the duties by this act directed to be paid in *Scotland* upon licences, shall be held and deemed to be equivalent to the duties payable in *England* upon spirits of *English* manufacture, not exceeding the strength aforesaid; and if the strength of any spirits manufactured in and arriving from *Scotland* as aforesaid, shall be of a greater strength than one to ten over hydrometer proof, and such excess shall not exceed three *per centum* over and above the said strength of one to ten over hydrometer proof, as aforesaid, then and in such case the said spirits shall be charged with a further duty proportioned to their said surplus strength; and the said respective duties shall be paid to the proper officer of excise at the port or place of entry inwards, upon the landing of any such spirits, which said duty or duties payable upon importation shall be under the receipt and management of the commissioners of excise in *England* for the time being, and be by them ordered, appropriated, paid, and applied, to and for the same uses and purposes as the rates and duties payable in *England* upon wort, wash, and other liquor, used in the distillation of spirits there for home consumption, are directed to be appropriated, paid, and applied; and that such spirits, whether raw, rectified, or compounded, after being so landed and warehoused, shall be considered as made or rectified in that part of the united kingdom where the said spirits have been so landed and warehoused, and shall be intitled to the same allowances as the stocks of distillers or rectifiers in that part of the united kingdom are intitled to.

The said duties to be paid at the port of entry, and to be applied as the duties in England on wort, etc.

Spirits of a ſtrength of more than 3 in the 100 above 1 to 10 over hydrometer proof, to be forfeited, etc.

XXXIV. And be it further enacted, That if any ſpirits manufactured in that part of *Great Britain* called *Scotland*, of a ſtrength exceeding that of one to ten over hydrometer proof, ſhall be ſhipped on board any veſſel in order to their being ſent or conveyed from that part of the united kingdom to any other part of the united kingdom, and ſuch excels ſhall amount to more than three pounds *per centum* above the ſaid ſtrength of one to ten over hydrometer proof, ſuch ſpirits, with the caſks and packages containing the ſame, ſhall be ſeized, loſt, and forfeited.

Spirits ſhipt prior to July 5, 1786, not liable to duty on landing in England.

XXXV. Provided always, and be it further enacted, That all ſpirits which ſhall have been made in that part of *Great Britain* called *Scotland*, and *bona fide* put on board any ſhip or veſſel on or before the fifth day of *July*, one thouſand ſeven hundred and eighty-ſix, and ſhall be accompanied by a proper permit, ſhall and may be landed in any other part of the united kingdom without being ſubject to the payment of any equalizing duty, in the like manner as the ſame could or might have been landed in caſe this act had not been made.

Duplicates of permits granted in Scotland for removal of ſpirits to England, to be tranſmitted to the excile, etc.

XXXVI. And be it further enacted by the authority aforeſaid, That the commiſſioners of exciſe in *Scotland* ſhall, within the ſpace of one month after the time of granting any permit for the removal of any *Britiſh* brandy, rectified *Britiſh* ſpirits or compounds, from any port or place in *Scotland*, to any port or place in *England*, tranſmit the counterpart of ſuch permit, or cauſe the ſame to be tranſmitted, to the commiſſioners of exciſe in *England*, in order that they may, and they are hereby directed and required to cauſe ſome proper officer or officers to examine and cheque therewith the permit by which ſuch *Britiſh* brandy, and rectified *Britiſh* ſpirits and compounds, reſpectively, ſhall have been removed as aforeſaid; and in order that a further cheque may be had upon the removal of ſuch ſpirits, a duplicate of ſuch clearance ſhall be forthwith tranſmitted to the proper officer or officers of the cuſtoms at the port in *England* where ſuch ſpirits are intended to be landed, who are hereby authoriſed and required to compare the ſame with the ſpirits on their arrival.

Still maker to take out an annual licence, ſtamp his ſtills, and give notice to the officer that they may be gauged.

XXXVII. And be it further enacted, That every maker of ſtills in *Scotland* ſhall, from and after the fifth day of *July*, one thouſand ſeven hundred and eighty-ſix, take out an annual licence from the officer ſo to be authoriſed as aforeſaid to grant the ſame, and renew ſuch licence from year to year, and ſhall pay a fee of five ſhillings for each of ſuch licences, and no more; and every ſuch maker or makers ſhall ſtamp his or their name or names, and the progreſſive number, and the content or capacity of every ſtill made by him, her, or them, upon the ſhoulder thereof; and in order that the contents of the ſaid ſtill or ſtills may be diſtinctly aſcertained, the ſaid maker or makers ſhall, and he, ſhe, and they is and are hereby required, within three days after finiſhing any ſtill, to give notice to the exciſe officer of the diſtrict where ſuch ſtill hath been ſo made, that the ſame is ready to be gauged and ſtamped; and ſuch officer is hereby

hereby required, within three days after such notification, to gauge such still, and to grant a certificate, specifying the number, content, and maker's name or names of such still; and in case any such maker or makers shall fail to give such notice to the said officer as aforesaid, such maker or makers shall forfeit and pay the sum of ten shillings for each gallon of the content or capacity of every such still so made by him, her, or them.

Penalty on not giving notice.

XXXVIII. And be it further enacted, That if any person or persons shall import or bring any still or stills into *Scotland*, from that part of *Great Britain* called *England*, or from foreign parts, such person or persons shall, within three days after the arrival of such still or stills, give notice of the number, size, and content of the same, and of the place where the same is deposited, to the officer of the division, district, place, or bounds; and such officer shall, within twenty-two hours after the receipt of such notice, gauge and stamp, or cause to be gauged and stamped, the said still or stills, in the same manner as is hereinbefore directed in the case of a still or stills being made in *Scotland*; and if the person or persons who shall so import or bring any still or stills into *Scotland*, shall neglect or omit to give such notice thereof as aforesaid, he, she, or they shall forfeit and lose the sum of fifty pounds sterling for every still so imported or brought; and in case any such still or stills shall be erected without being previously gauged and marked by the proper officer of excise, every such still or stills shall be forfeited and lost, and the owner and owners thereof shall also forfeit and pay the sum of fifty pounds sterling, over and besides all other penalties and forfeitures to be incurred for the unlawful using the same.

Persons importing stills into Scotland without giving notice to the officer, forfeit 50l.

Stills not to be erected till gauged, on forfeiture of the stills, etc.

XXXIX. Provided always, That nothing in this act contained shall extend, or be construed to extend, to repeal, alter, or change any act or acts now in force for the surveying and keeping a regular account of the stocks of rectifiers, and compounders, of spirits and dealers, but that the said rectifiers, compounders, and dealers, shall remain subjected to the surveys of the officers of excise, and to all other regulations made and provided by any law now in force, in the same manner as if this act had not been made; saving and excepting, that rectifiers and compounders, as well as makers or distillers, in that part of *Great Britain* called *Scotland*, may send spirits to any part or place in that part of the united kingdom of whatever strength he, she, or they may think proper.

Rectifiers, &c. subject as heretofore to surveys, &c.

XL. And be it further enacted, That the several duties on licences, by this act granted, shall be under the receipt, collection, and management of the commissioners and officers of his Majesty's revenue of excise in *Scotland* for the time being, and shall be appropriated to such and the same uses and purposes as the duties by this act suspended or discontinued would have been subject and liable to, if this act had not been made.

Duties to be under the management of the commissioners of revenue in Scotland, etc.

XLI. Provided always, That nothing in this act contained shall discharge or acquit any distiller, or other person, from any penalty

This act not to discharge penalties al-

ready incurred, etc. nor to repeal the laws reſpecting exportation to foreign parts, etc.

penalty or forfeiture already incurred under any former act or acts for granting any duties upon wort, waſh, or other liquor, or from payment of any arrears of ſuch duties accrued, due prior to the commencement of this act; nor ſhall any thing in this act contained extend, or be conſtrued to extend, to repeal or alter any law or laws now in force with reſpect to the making of *Britiſh* ſpirits for exportation to foreign parts; or to repeal or alter any part of an act, made in the laſt ſeſſion of parliament, intituled, *An act for repealing ſo much of an act, made in the laſt ſeſſion of parliament, as relates to the diſtillation of corn ſpirits in ſmall ſtills, in certain counties or diſtricts in the highlands in that part of* Great Britain *called* Scotland; *and for authoriſing the commiſſioners of exciſe in* Scotland *to grant licences, to perſons living in the ſaid counties or diſtricts, to diſtil ſpirits from barley, bear, or big, the growth of the ſaid counties; and for impoſing a duty on ſuch licences*; nor to prejudice the right and privilege granted to *Archibald* earl of *Dundonald*, his executors, adminiſtrators, or aſſigns, by an act paſſed in the twenty-fifth year of his preſent Majeſty, intituled, *An act for veſting in* Archibald *earl of* Dundonald, *his executors, adminiſtrators, and aſſigns, the ſole uſe and property of a method of extracting or making tar, pitch, eſſential oils, volatile alkali, mineral acids, ſalts, and cinders, from pit coal, throughout his Majeſty's dominions, for a limited time.*

Earl of Dundonald to give the officer an account of his ſtills, etc.

XLII. Provided always, and be it further enacted, That notwithſtanding any thing in the ſaid laſt mentioned act contained, the ſaid earl, his executors, adminiſtrators, or aſſigns, ſhall be, and he or they is and are hereby required to deliver to the officer or officers of exciſe of the diviſion, diſtrict, place, or bounds, within which any of his or their ſaid works or ſtills are or ſhall be erected, an account in writing, ſpecifying the number of his or their ſaid ſtills, with a deſcription of the ſame, and the purpoſes for which ſuch ſtills were reſpectively erected; reſerving to any of his Majeſty's officers of exciſe, under the conditions and limitations herein-after ſpecified, at all lawful hours, to viſit ſuch work or works, and ſuch ſtill or ſtills, and to examine by all proper means the liquor or matter coming from the ſaid ſtill or ſtills, but not to open the ſaid ſtill or ſtills, unleſs the ſaid officer or officers ſhall not otherwiſe be allowed to examine the liquor or matter coming from the ſaid ſtill or ſtills.

Officer not to inſpect his workhouſes, etc. without order from the commiſſioners of exciſe; or information of their being illegally worked.

XLIII. Provided always, and be it further enacted, That it ſhall not be in the power of any officer of exciſe to viſit or inſpect the ſaid workhouſe or workhouſes, or the ſaid ſtill or ſtills, or houſe or houſes, or places thereto belonging, unleſs the ſaid officer or officers ſhall have previouſly obtained an order from the commiſſioners of exciſe, or the major part of them, in that part of *Great Britain* called *Scotland*, or ſhall proceed upon a ſigned information in writing, and upon oath made, and reduced alſo into writing, before any one or more of the ſaid commiſſioners of exciſe, or before any one or more of his Majeſty's juſtices of the peace, certifying that the ſaid works or ſtills in the ſaid act deſcribed, in place of being *bona fide* uſed for

for the purposes therein mentioned, are or have been used in extracting low wines or spirits from wort, wash, or other materials whatsoever; in which case such written information, and oath and warrant proceeding thereupon, shall be lodged, if required, with the manager of the said works so visited, upon the said manager's granting a receipt for the same; and if the said still or stills shall be at such visitation, or have been previously used after being erected in the said works, for the purpose of distilling wash, worts, low wines, or spirits, contrary to the true intent and meaning of the said act, such still or stills, and utensils belonging thereto, shall be seized and forfeited as unlicensed stills, and the owners and users thereof subjected to the pains and penalties in that behalf made and provided by this act.

If found to be illegally worked, to be forfeited, etc.

XLIV. And be it further enacted, That if any person or persons shall obstruct, resist, oppose, molest, or hinder any officer or officers of excise in the due execution of any of the powers or authorities given or granted to such officer or officers by this act, every person or persons so offending shall forfeit and lose, for every such offence, the sum of two hundred pounds sterling.

Persons obstructing officers in their duty forfeit 200l.

XLV. And be it further enacted, That all and every the powers and authorities, directions, rules, methods, penalties, and forfeitures, clauses, matters, and things, which in and by an act made in the twelfth year of the reign of King *Charles* the Second, intituled, *An act for taking away the court of wards and liveries, and tenants* in Capite, *and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*, or by any other law now in force relating to his Majesty's revenue of excise, or inland duties under the management of the commissioners of excise, are provided, settled, or established, for securing, enforcing, managing, raising, levying, collecting, paying, mitigating or recovering, adjudging or ascertaining the duties or penalties thereby granted and inflicted, and for the preventing, detecting, and punishing frauds relating thereto (other than in such cases for which other penalties, provisions, and regulations are prescribed by this act), shall be exercised, practised, applied, used, and put in execution, in and for the managing, raising, levying, collecting, mitigating, adjudging, ascertaining, recovering, and paying, the several duties hereby granted, as fully and effectually, to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, penalties, forfeitures, clauses, matters, and things, were particularly repeated and again enacted in this present act.

Powers, etc. of act 12 Car. 2. c. 24, etc. extended to this act.

XLVI. And be it further enacted, That all the penalties and forfeitures imposed by this act, shall be sued for, recovered, and levied by such ways, means, and methods, as any penalty or forfeiture is or may be sued for, recovered or levied by any law or laws of excise, or by action of debt, bill, plaint, or information, in his Majesty's courts of exchequer in *England* or *Scotland* respectively; and that one moiety of every such penalty or forfeiture shall be to his Majesty, his heirs and successors, and the

How penalties are to be recovered and applied.

the other moiety to him, her, or them, who shall inform, discover, or sue for the same.

Limitation of actions. XLVII. And be it further enacted, That if any action or suit shall be brought or commenced against any person or persons, for any thing by him, her, or them done in pursuance of this act, such action or suit shall be commenced within six months next after the matter or thing done, and shall be laid in the proper county; and the defendant or defendants, in such General issue action or suit, may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or if judgement shall be given against him, her, or them, upon demurrer, or otherwise, then such defendant or defendants shall Treble costs. have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs.

CAP. LXV.

An act for granting to his Majesty a certain sum of money, to be raised by a lottery.

688,750l. to be raised by a lottery. All persons who have made deposits, pursuant to the resolution of the house of commons, of June 2, 1786, are required to pay the remainder of their subscriptions at certain times specified. Deposit 1l. 8s.; 20 July 2l.; 13 Aug. 1l. 8s.; 20 Oct. 2l. 15s.; 21 Nov. 2l.; 18 Dec. 2l.; and 17 Jan. 1787. 2l. 4s. 6d. Cashier to give security, to the satisfaction of the commissioners of the treasury; and to pay all monies received into the exchequer. Commissioners of the treasury impowered to apply the money paid in by the cashier to the services voted this session; 500,000l. the amount of the prizes, to be paid out of any supplies granted this session. Managers and directors of the lottery to be appointed by the treasury. Method of the lottery books. Ticket.

LOTTERY for 1786.

The bearer of this ticket will be intitled to such beneficial chance as shall belong thereto, in the lottery to be drawn by virtue and under the directions of an act passed in the twenty-sixth year of his present Majesty's reign.

Managers to examine the books with the tickets, and deliver them to the cashiers of the bank, taking a receipt for the same. Cashiers to return the books, with the undisposed tickets, with an account of monies received and paid in. Undisposed tickets to be delivered into the exchequer. Tickets of the middle columns to be rolled up, and fastened with thread or silk; and cut off indentwise into a box marked with the letter (A), and put into another box to be locked up, and sealed. Books to be prepared with two columns, on each of which 50,000 tickets are to be printed. The number and value of fortunate tickets are, 2 of 20,000l. each; 3 of 10,000l. each; 5 of 5000l. each; 10 of 2,000l. each; 15 of 1,000l. each; 30 of 500l. each; 100 of 100l. each; 150 of 50l. each; 16,275 of 20l. each: and also 1,000l. to the first-drawn ticket of the first day; 1,000l. to ditto the 4th day; 1,000l. to ditto the 7th day; 1,000l. to ditto the 10th day; 1,000l. to ditto the 13th day; 1,000l. to the first-drawn ticket the 16th day; 1,000l. to the last-drawn. Tickets in the outermost column of the last-mentioned books to be rolled up and tied, and

and cut off into a box marked with the letter (B), &c. Publick notice to be given of putting the tickets into the boxes. Lottery to begin drawing on Feb. 12, 1787. Method to be observed in drawing, &c. Number of the fortunate tickets, and the sums, to be printed. Disputes to be adjusted by the managers. Penalty on forging tickets, &c. felony, death. Offenders (not in prison) discovering persons guilty, to receive a pardon, and 50l. reward. Proviso, not to cause corruption of blood, loss of dower, or disherison of heirs. Managers to be sworn. The oath:

I A. B. as a manager and director of the lottery to be drawn in pursuance of an act of parliament, made in the twenty-sixth year of his Majesty's reign, do swear, That I will faithfully execute the trust reposed in me; and that I will not use any indirect art or means, or permit or direct any person to use any indirect art or means, to obtain a prize or fortunate lot therein, for myself, or any other person whatsoever; and that I will do the utmost of my endeavours to prevent any undue or sinister practice to be done by any person whatsoever; and that I will, to the best of my judgement, declare to whom any prize, lot, or ticket of right does belong, according to the true intent and meaning of the said act.

Cashier may receive the sums subscribed before receiving the lottery book; giving a note for the same; which shall entitle the bearer to a ticket for every 13l. 15s. and 6d. paid. Contributors not making good their payments within the times limited, forfeit their deposits, and the tickets to be returned to the managers, &c. Commissioners of the treasury may reward the managers, &c. as they shall think fit. The 500,000l. for the payment of the fortunate tickets, to be charged on any supplies granted this session; and shall be paid to the proprierors, without any deduction, on June 1, 1787, etc. Managers to give notice of the times for exchanging tickets for certificates. Certificates to be numbered, &c. and signed by the managers Commissioners of the treasury impowered to defray the incidental expences attending the execution of this act. No fee to be taken for receiving or paying contribution-monies, or for any receipts, &c. on penalty of 20l. General issue. Treble costs.

CAP. LXVI.

An act for appointing commissioners further to enquire into the fees, gratuities, perquisites, and emoluments, which are, or have been lately, received in the several publick offices therein mentioned; to examine into any abuses which may exist in the same; and to report such observations as shall occur to them, for the better conducting and managing the business transacted in the said offices.—This act the same as last year.

25 Geo. 3. c. 19, continued in force till the end of the next session of parliament.

CAP. LXVII.

An act for appointing and enabling commissioners further to examine, take, and state the publick accounts of the kingdom.

William Roe, esq; appointed a commissioner, and the act of 25 Geo. 3. c. 68. and the former acts continued till one year after July 22, 1786.

CAP.

CAP. LXVIII.

An act for appointing commissioners further to enquire into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissentions in America, *in consequence of their loyalty to his Majesty, and attachment to the* British *government.*

Preamble.

23 Geo. 3. c. 80.

WHEREAS *by an act, made in the twenty-third year of the reign of his present Majesty, (intituled,* An act for appointing commissioners to enquire into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissentions in *America,* in consequence of their loyalty to his Majesty, and attachment to the *British* government), *and also by an act made in the twenty fifth year of the reign of his present Majesty, certain persons were constituted commissioners for enquiring into the respective losses and services of all such person and persons who have suffered in their rights, properties, and professions, during the late unhappy dissentions in* America, *in consequence of their loyalty to his Majesty, and attachment to the* British *government: and whereas the purposes intended by the said acts are not yet compleated, and it is therefore necessary that the said acts should be further continued;* be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That *John Wilmot* esquire, colonel *Robert Kingston*, colonel *Thomas Dundas*, *John Marsh* esquire, *Jeremy Pemberton* esquire, and *Robert Mackenzie* esquire, shall be, and they are hereby constituted commissioners for the purposes in the said recited acts mentioned.

Commissioners.

Commissioners to be sworn.

II. And be it further enacted, That any two commissioners in this act named, before they enter upon the execution of the same, shall take an oath before the master of the rolls for the time being, or one of his Majesty's justices of the court of king's bench, common pleas, or barons of the exchequer, (which they or either of them are hereby authorised and required to administer) in the form following; that is to say,

The oath.

I A. B. *do swear, That, according to the best of my skill and knowledge, I will faithfully, impartially, and truly execute the several powers and trusts vested in me by an act, (intituled,* An act for appointing commissioners further to enquire into the losses and services of all such persons who have suffered in their rights, properties and professions, during the late unhappy dissentions in *America,* in consequence of their loyalty to his Majesty, and attachment to the *British* government) *according to the tenor and purport of the said act.*

And every other of the said commissioners, in this act named, shall likewise take the same oath before the said two commissioners,

sioners, who are hereby authorised and required to administer the same, after they shall themselves have taken the said oath as aforesaid.

III. And be it further enacted, That it shall and may be lawful to and for the said commissioners, or any two or more of them, and they are hereby authorised, impowered, and required, to examine upon oath (which oath they, or any two or more of them, are hereby authorised to administer), all persons whom the said commissioners, or any two or more of them, shall think fit to examine, touching all such matters and things as shall be necessary for the execution of the powers vested in the said commissioners by this act; and all such persons are hereby directed and required punctually to attend the said commissioners at such time or place as they, or any two or more of them, shall appoint. Commissioners may examine parties on oath.

IV. And be it enacted by the authority aforesaid, That the said commissioners, or any two or more of them, are hereby authorised to meet and sit, from time to time, at their present place of meeting, or at such other place as they, or any two or more of them, shall think proper, with or without adjournment, and to send their precept or precepts, under their hands and seals, for any person or persons whatsoever, and for such books, papers, writings, or records, as they shall judge necessary for their information in the execution of the powers vested in the said commissioners by this act; and the said commissioners, or any two or more of them, are hereby authorised to appoint and employ such clerks, messengers, and officers as they shall think meet, and to give to every of the said clerks and officers an oath for his true and faithful demeanor, in all things relating to the due performance of the trust reposed in him by the said commissioners, and in all other things touching the premises; which clerks and officers are hereby required faithfully to execute and perform the trust in them severally and respectively reposed, without taking any thing for such their service, other than such salary or rewards as the said commissioners, or any two or more of them, shall think fit to direct and appoint in that behalf. Commissioners to meet, and to send for persons or papers, to appoint clerks, &c.

V. And be it enacted by the authority aforesaid, That if it shall have appeared to the commissioners appointed by the said recited acts, or shall hereafter appear to the commissioners appointed by this act, that any person hath delivered, or shall hereafter deliver to them, an account or claim beyond the real loss sustained by him or her, with an intent to obtain more than a just compensation; and if the said commissioners, or any two or more of them, shall have been or shall hereafter be of opinion that such account or claim was or is fraudulent, then such person so having claimed, or who shall hereafter so claim, shall be absolutely excluded from any compensation or provision whatsoever. Persons delivering in fraudulent claims to be excluded from any compensation.

VI. And be it further enacted by the authority aforesaid, That in case any person or persons, upon examination upon oath Persons giving false evidence to be liable to

the penalties of perjury.

oath before the said commissioners, or any two or more of them respectively, as before mentioned, shall wilfully and corruptly give false evidence, every such person so offending, and being thereof duly convicted, shall be and is and are hereby declared to be subject and liable to such pains and penalties as by any law now in being persons convicted of wilful and corrupt perjury are subject and liable to.

VII. *And whereas by the said act, made in the twenty-fifth year of the reign of his present Majesty, it was enacted, that colonel* Thomas Dundas *and* Jeremy Pemberton *esquire, should and they were thereby directed and required to repair to* Nova Scotia, *or any other of his Majesty's colonies in* America, *to enquire into such claims: and whereas the said colonel* Thomas Dundas *and* Jeremy Pemberton *esquire, did, in pursuance of the directions, and for the purposes mentioned in the said act, repair to* Nova Scotia, *and it is therefore proper that the powers and authorities vested in them by the said act, should be continued*; be it therefore enacted, That the said colonel *Thomas Dundas*, and *Jeremy Pemberton* esquire, shall, and they are hereby directed and required in *Nova Scotia*, or any other of his Majesty's colonies in *America*, to continue to enquire into such claims, with the same powers and authorities for enquiring into such claims as the commissioners appointed by the said recited acts and this present act, for enquiring into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissentions in *America*, in consequence of their loyalty to his Majesty, and attachment to the *British* government, are invested with; and in case the said commissioners shall differ in opinion with respect to any claim, then, in such case, it shall be lawful for the said commissioners to call to their assistance the governor of any colony to which they may judge it necessary to repair; and the said governor agreeing in opinion with either of the said commissioners, shall decide the matter or question in dispute; and in case of the death of either of them the said *Thomas Dundas* or *Jeremy Pemberton*, that then the governor of the colony, where such enquiry shall from time to time be carried on, shall be added to and joined with the survivor of them the said *Thomas Dundas* and *Jeremy Pemberton*, and shall be invested with the same powers and authorities as the person so dying is hereby invested with.

Commissioners in the colonies to continue to enquire into claims;

and in case of difference of opinion, to require the assistance of the governor, who, in case of the death of a commissioner, is to supply his place.

VIII. And be it enacted, That the said commissioners, or any two of them, are hereby impowered, if they shall think proper, to appoint, under their hands and seals, a proper person or persons to repair to any part of the united states of *America*, to enquire into such facts and circumstances as they may think material for the better ascertaining the several claims which have been presented under the authority of the said acts.

Commissioners may appoint persons to travel in America to enquire into facts.

IX. *And whereas an act was passed in the sixteenth year of his present Majesty,* (*intituled*, An act to prohibit all trade and intercourse with the colonies of *New Hampshire, Massachuset's Bay,*

Bay, Rhode Island, Connecticut, New York, New Jersey, Pensylvania, the three lower counties on *Delaware, Maryland, Virginia, North Carolina, South Carolina*, and *Georgia*, during the continuance of the present rebellion within the said colonies respectively; for repealing an act, made in the fourteenth year of the reign of his present Majesty, *to discontinue the landing and discharging, lading or shipping, of goods, wares, and merchandize, at the town and within the harbour of* Boston, *in the province of* Massachuset's Bay; and also two acts, made in the last session of parliament, for restraining the trade and commerce of the colonies in the said acts respectively mentioned; and to enable any person or persons, appointed and authorised by his Majesty to grant pardons, to issue proclamations, in the cases, and for the purposes therein mentioned); *whereby it was enacted, That all trade and commerce should be prohibited with the colonies therein mentioned, and that all ships and vessels of or belonging to the inhabitants of the said colonies, together with their cargoes, apparel, and furniture, and all other ships and vessels whatsoever, together with their cargoes, apparel, and furniture, which should be found trading in any port or place of the said colonies, or going to trade, or coming from trading in any such port or place, should become forfeited to his Majesty, as if the same were the ships and effects of open enemies, and should be so adjudged and taken in all courts of admiralty, and in all other courts whatsoever: and whereas vessels, effects, goods, or merchandize, belonging to inhabitants of the said colonies, who were loyal subjects to his Majesty, may have become forfeited, and may have been adjudged and condemned as lawful prize under the said act*; be it enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners appointed by this act, to enquire into losses sustained in consequence of the said act, by any such inhabitants, who shall give sufficient proof, to the satisfaction of the said commissioners, of their loyalty to his Majesty, and attachment to the *British* government.

Commissioners to enquire into losses sustained in consequence of an act 16 Geo. 3. c. 5.

X. And be it further enacted, That the said commissioners shall, from time to time, at their discretion, or as often as they shall be thereunto required, and as soon as possible after the determination of their examinations and proceedings, by virtue of this act, without any further requisition, give an account of their proceedings, in writing, to the lords commissioners of his Majesty's treasury, and to his Majesty's principal secretaries of state for the time being.

Commissioners to give an account of their proceedings to the treasury and secretaries of state.

XI. And be it further enacted, That the lords commissioners of the treasury, or lord high treasurer for the time being, are hereby authorised and required to issue and cause to be paid all such sums of money, not exceeding two thousand pounds, to such person or persons as the said commissioners, or any two or more of them, shall, by writing under their hands, desire or direct, out of any part of the public monies remaining in his Majesty's exchequer; which sum so issued and paid, shall be employed for the payment of clerks, messengers, and other officers, and in defraying all other necessary charges in or about

Treasury to pay 2,000*l.* to the commissioners;

for paying clerks, &c.

the execution of the powers of this act, and in such manner and in such proportions, as shall be appointed by the said commissioners, or any two or more of them, by writing under their hands and seals in that behalf, the same to be accounted for by the person or persons to whom the same shall be issued and paid, according to the course of his Majesty's exchequer, without any fee or other charges to be taken or demanded for the issuing and payment of the same, or on the passing of the said accounts, other than such sum as the said commissioners, or any two or more of them, shall appoint; and which money so issued shall not be subject to any tax, duty, rate, or assessment whatsoever, imposed by authority of parliament.

Commissioners may receive half pay on taking the following

XII. Provided always, and be it enacted, That any of the said commissioners being on half pay, as an officer of the navy or army, shall be intitled to receive such half pay, notwithstanding any compensation that may be made to him for executing the powers of this act, on his taking the following oath before some justice of the peace, who is hereby impowered to administer the same:

Oath.

I A. B. *do swear, That I had not, between any place or employment of profit, civil or military, under his Majesty, besides such compensation as shall have been or may be made to me as a commissioner for enquiring into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissentions in* America, *in consequence of their loyalty to his Majesty, and attachment to the* British *government.*

And the taking the said oath shall be sufficient to intitle such person to receive his half pay, without taking any other oath; any law, usage, or custom, to the contrary thereof notwithstanding.

In case of the death, &c. of a commissioner during the recess of parliament, his Majesty may appoint another.

XIII. And be it further enacted by the authority aforesaid, That in case of a vacancy or vacancies, by death or resignation, of any one or more of the said commissioners, during the recess of parliament, it shall and may be lawful for his Majesty to nominate and appoint such person or persons as he may think proper to supply such vacancy or vacancies; and that every person, so nominated and appointed, shall be held and considered to be invested with all the same powers as are delegated to the commissioners appointed by this act.

Continuance of this act.

XIV. And be it further enacted, That this act shall continue in force for one year, from the fifteenth day of *July*, one thousand seven hundred and eighty-six, and no longer.

CAP. LXIX.

An act for defraying the charge of the militia in that part of Great Britain called England for one year, beginning the twenty-fifth day of March, one thousand seven hundred and eighty-six.

CAP.

CAP. LXX.

An act to rectify a mistake in an act made in this present session of parliament, intituled, "An act for granting to his Majesty a certain sum of money out of the sinking fund; and for applying certain monies therein mentioned for the service of the year one thousand seven hundred and eighty six; and for further appropriating the supplies granted in this session of parliament."

The mistake was one million five hundred pounds, instead of one million five hundred thousand pounds, which the clerk of the parliaments was empowered to rectify.

CAP. LXXI.

An act for regulating houses, and other places, kept for the purpose of slaughtering horses.

Preamble.

WHEREAS *the practice of stealing horses, cows, and other cattle, hath of late years increased to an alarming degree; and hath been greatly facilitated by certain persons of low condition, who keep houses or places for the purpose of slaughtering horses and other cattle; for remedy whereof*, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twentieth day of *July*, in the year of our Lord one thousand seven hundred and eighty-six, no person or persons shall keep or use any house or place, for the purpose of slaughtering or killing any horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, which shall not be killed for butcher's meat, without first taking out a licence for that purpose, at the general quarter sessions held for the county, riding, city, town, district, division, or liberty, wherein such slaughtering house or place shall be situate; and the justices of the peace, at their general quarter sessions assembled, are hereby authorised and impowered to grant such licences as aforesaid, upon a certificate, under the hands and seals of the minister and churchwardens, or overseers, or of the minister and two or more substantial householders of the parish wherein the person or persons applying for such licence shall dwell, that such person or persons is or are fit and proper to be trusted with the management and carrying on such business as aforesaid: provided always, That, in case of the death of any person to whom such licence as aforesaid shall be granted, it shall and may be lawful for the widow, or personal representative of such person so dying, to carry on the said business until the then next ensuing general quarter sessions of the peace.

From July 20, 1786, every person keeping a slaughtering house, to take out a licence, &c.

II. And be it further enacted, That every such licence shall be signed by the justices of the peace assembled at such general quarter sessions, or by the major part of them; and a copy of every such licence shall be entered in a book to be kept for that purpose by the clerk of the peace of the county wherein the

Justices to grant licences, which are to be entered, &c.

same shall be so granted as aforesaid; and that all and every person and persons shall have liberty, at all times (*Sundays* excepted), between the hours of ten and twelve of the clock in the forenoon, to search the office of such clerk of the peace wherein any such copy shall be entered or kept, and to make an extract or extracts from the same, paying for every such search the sum of sixpence; and all and every person and persons so licensed as aforesaid shall cause to be painted or affixed, over the door or gate of the house or place where he, she, or they shall carry on the said business, in large legible characters, his, her, and their name and names, with the words *Licensed for slaughtering horses, pursuant to an act passed in the twenty-sixth year of his majesty King* George *the Third.*

Persons licensed to affix to their houses the words herein mentioned.

Previous notice to be sent, when horses, etc. are intended to be slaughtered, to the inspector, who is to take an account of the beasts.

III. And be it further enacted, That every occupier and occupiers of every such licensed slaughtering house or place shall, six hours previous to the slaughtering or killing of any horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, which shall not be killed for the purpose of butcher's meat, and previous to the flaying any such horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, brought dead to such slaughtering house or other place, give notice in writing to a person to be appointed in manner herein-after mentioned, as inspector, to the intent that such inspector may, upon such notice as aforesaid, and before any such horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, shall be slaughtered, killed, or flayed, take an exact account and description of the height, age, (as near as may be) colour, and particular marks of every horse, mare, gelding, foal or filly, ass or mule, brought alive for the purpose of being slaughtered or killed, or brought dead as aforesaid, and of the colour and particular marks of every cow, bull, heifer, ox, calf, sheep, hog, goat, or other cattle, brought alive or dead for either of the purposes aforesaid; and no such horse, mare, gelding, foal, or filly, ass, mule, ox, bull, cow, or heifer, calf, sheep, hog, goat, or other cattle, shall be slaughtered, killed, or flayed, but between the hours of eight of the clock in the morning and four of the clock in the evening, during the months of *October*, *November*, *December*, *January*, *February*, and *March*; and between the hours of six of the clock in the morning and eight of the clock in the evening, during the months of *April*, *May*, *June*, *July*, *August*, and *September*, in every year.

Times of slaughtering, etc.

Account to be kept, by the owners of slaughtering houses, of the owners of the cattle brought, etc.

IV. And be it further enacted, That every person so licensed as aforesaid shall, at the time any horse, mare, or gelding, colt, filly, ass, or mule, or any ox, bull, cow, heifer, calf, sheep, hog, goat, or any other cattle, shall be brought for the purpose of slaughtering, killing, or flaying, make, or cause to be made, an entry in a book, to be kept for that purpose, in a fair legible hand, of the name and names, place and places of abode, profession and professions of the owner or owners thereof, and also of the person and persons who shall bring the same to be slaughtered,

slaughtered, killed, or flayed, and the reason or reasons why the same is brought to be slaughtered, killed, or flayed, which reason and reasons, the person or persons bringing the same is and are hereby required to declare to such person or persons so licensed as aforesaid; which book shall at all times be open for the perusal and examination of the inspector and inspectors to be appointed under this act; and all and every such licensed person and persons shall at all times attend with, and produce such book before any one justice of the peace for the county, city, liberty, or place where such licensed slaughtering house or place shall be situate, when required by warrant or order under the hand and seal of such justice of the peace so to do, and shall likewise produce the same at every general quarter sessions of the peace which shall be held in and for the said county.

Vestry to appoint inspectors.

V. And be it further enacted, That such of the parishioners, as by law are intitled to meet in vestry for the purpose of choosing parish officers, shall, in every parish wherein any such slaughtering house or place shall be situated, annually, or oftener, as occasion may require, appoint one or more proper person or persons to be an inspector or inspectors to inspect every such slaughtering house and place as aforesaid, to whom all and every occupier and occupiers, person and persons, carrying on such business as aforesaid, shall, six hours previous to his, her, or their slaughtering, killing, or flaying any such horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, give notice in writing of his, her, or their intention so to do; and such inspector or inspectors shall in person, or by his or their servant or servants, attend at the slaughtering house or place of the person or persons so giving such notice, and there take such account and description as herein-before directed; and every such inspector shall and is hereby required to keep a book or books, and therein to make an entry of every such account and description; and every such occupier or person carrying on such business as aforesaid shall, for every such entry, pay to such inspector sixpence; and all and every person and persons desiring to inspect such book or books shall have access to the same at all times, between the hours of eight of the clock in the morning and five in the evening, during the months of *October*, *November*, *December*, *January*, *February*, and *March*, and between the hours of six of the clock in the morning and eight in the evening, during the months of *April*, *May*, *June*, *July*, *August*, and *September*, in every year, paying to such inspector, for every such search, the sum of sixpence, and no more; and every such inspector, so appointed as aforesaid, shall cause to be painted or affixed over the door of the house where he resides, his name, and the words, *Inspector of houses and places for slaughtering horses*; and in case such inspector or inspectors shall, upon examination of any horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle,

Inspectors duty.

intended to be slaughtered or killed, have reason to believe, or be of opinion, that such horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, is or are free from disease, and in a sound and serviceable state, or that the same has been stolen, or unlawfully come by, he or they shall have power, and is and are hereby authorised and required to prohibit the slaughtering or killing of any such horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, for any time not exceeding the space of eight days; and in the mean time shall and is and are hereby directed and required to cause an advertisement or advertisements to be inserted in the *Daily Advertiser*, or some publick newspaper circulated in the county where such slaughter house or place shall be situated, twice or oftener, unless the owner or owners of such horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, shall sooner claim the same, to certify under his, her, or their hand or hands to, or otherwise satisfactorily inform the said inspector or inspectors, that he, she, or they sent or delivered, or caused the said horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other such cattle, to be delivered to the said person or persons so licensed for the purpose of being slaughtered or killed, the expence of inserting such advertisement or advertisements, as aforesaid, to be paid by the occupier or occupiers of such slaughtering house or place to such inspector or inspectors; and in case such occupier or occupiers of such slaughtering house or place shall refuse to defray or pay the same, and shall be thereof convicted on the oath of any such inspector as aforesaid before any one justice of the peace for the county or district wherein such slaughtering house or place shall be situated, he, she, or they, shall forfeit double the amount of the charge of such advertisement or advertisements, to be raised by distress and sale of the goods and chattels of such offender or offenders, by warrant under the hand and seal of any such justice as aforesaid; and the form of such conviction shall be as follows:

Form of conviction for refusing to pay for advertisements of the inspectors.

A. B. *is convicted, on the oath of* C. D. *inspector of houses and places for slaughtering horses, for the parish of* E. *in the county of* D. *of refusing to pay the sum of being the expence of an advertisement or advertisements* (as the case may be) *inserted in the* Daily Advertiser, *or some other publick newspaper circulated in the county*, (as the case may be), *pursuant to the directions of the statute in that case made and provided.*

Given under my hand and seal this day of

F. G.

Inspectors may visit slaughtering houses at all times.

VI. And be it further enacted, That it shall and may be lawful to and for every inspector so appointed as aforesaid, at all times, in the day or night, but if in the night, then in the presence

preſence of a conſtable, to go to, enter into, and inſpect, any houſe or place kept for ſlaughtering or killing horſes by any perſon or perſons licenſed as aforeſaid; and alſo any ſtable, building, ſhed, yard, or place belonging thereto, and then and there to examine, ſearch for, and ſee if any horſe, mare, gelding, foal, filly, aſs, or mule, bull, cow, ox, heifer, calf, ſheep, hog, goat, or other cattle, is or are depoſited or have been brought there, and to take an account thereof; and all and every perſon and perſons, ſo licenſed as aforeſaid, having, keeping, or uſing any ſuch houſe or place for ſlaughtering horſes, ſhall, and is and are hereby directed and required to permit and ſuffer any ſuch inſpector as aforeſaid, at all times in the day and night, but if in the night, then in the preſence of a conſtable, to enter into and inſpect ſuch houſe or place, and alſo any ſtable, building, ſhed, yard, or premiſes belonging thereto, and freely to examine, ſearch for, and ſee, any horſe, mare, gelding, foal, filly, aſs, or mule, bull, cow, ox, heifer, calf, ſheep, hog, goat, or other cattle, then and there being, and to take ſuch account as herein-before directed.

Perſons bringing cattle refuſing to give an account of themſelves, etc. may be carried before a juſtice.

VII. And be it further enacted, That in caſe any perſon or perſons who ſhall offer to ſale, or ſhall bring any horſe, mare, gelding, foal, filly, aſs, mule, bull, cow, ox, heifer, calf, ſheep, hog, goat, or other cattle, to any perſon or perſons keeping ſuch ſlaughtering houſe, or place as aforeſaid, to be ſlaughtered or killed, or being dead, to be flayed or ſkinned, ſhall not be able, or ſhall refuſe to give a ſatisfactory account of himſelf, herſelf, or themſelves, or of the means by which the ſame came into his, her, or their poſſeſſion; or if there ſhall be any reaſon to ſuſpect that ſuch horſe, mare, gelding, foal, filly, aſs, mule, bull, cow, ox, heifer, calf, ſheep, hog, goat, or other cattle, is or are ſtolen, or otherwiſe unlawfully obtained, it ſhall and may be lawful for the perſon or perſons keeping ſuch ſlaughtering houſe, or place as aforeſaid, to whom the ſame ſhall be brought or offered to ſale, and for his, her, or their ſervants, agents, or aſſiſtants, and alſo for the ſaid inſpector or inſpectors, or his or their ſervant or ſervants as aforeſaid, to ſeize and detain ſuch perſon or perſons; and alſo every ſuch horſe, mare, gelding, foal, filly, aſs, mule, bull, cow, ox, heifer, calf, ſheep, hog, goat, or other cattle, ſo brought or offered to ſale as aforeſaid, and to deliver ſuch perſon or perſons, as ſoon as conveniently may be, into the cuſtody of a conſtable or other peace officer, who ſhall, and is hereby required immediately to convey ſuch perſon or perſons before a juſtice of the peace for the county, riding, diviſion, city, liberty, or place, where the offence ſhall be committed; and if ſuch juſtice ſhall, upon examination and enquiry, have cauſe to ſuſpect that ſuch horſe, mare, gelding, foal, filly, aſs, mule, bull, cow, ox, heifer, calf, ſheep, hog, goat, or other cattle, is or are ſtolen or unlawfully obtained, it ſhall and may be lawful for ſuch juſtice to commit ſuch perſon or perſons into ſafe cuſtody, for any time not exceeding the ſpace of ſix days, in order to be further examined;

Juſtices may commit ſuſpected perſons.

and if upon either of the said examinations, such justice shall be satisfied, or have reason to believe, that such horse, mare, gelding, foal, filly, ass, mule, bull, cow, ox, heifer, calf, sheep, hog, goat, or other cattle, is or are stolen, or illegally obtained, the said justice is hereby authorised and required to commit the person or persons, so bringing or offering the same to sale, to the common gaol or house of correction of the county, riding, division, city, liberty, or place, wherein the offence shall be committed, there to be dealt with according to law.

Persons slaughtering horses, etc. without licence, etc. guilty of felony.

VIII. And be it further enacted, That if any person or persons, keeping or using any such slaughtering house or place as aforesaid, shall, at any time from and after the twentieth day of *July*, one thousand seven hundred and eighty-six, slaughter any horse, mare, or gelding, foal or filly, ass or mule, or any bull, cow, heifer, ox, calf, sheep, hog, goat, or other cattle, for any other purpose than for butcher's meat, or shall flay any horse, mare, gelding, foal, filly, ass, mule, bull, cow, heifer, ox, calf, sheep, hog, goat, or other cattle, brought dead to such slaughtering house or other place, without taking out such licence, or without giving such notice as aforesaid, or shall slaughter, kill, or flay the same, at any time or times other than and except within the hours herein-before limited, or shall not delay slaughtering or killing the same, according to the direction of such inspector so authorised to prohibit the same as aforesaid, such person or persons so offending in either of the said cases, being thereof convicted, shall be adjudged, deemed, and taken to be guilty of felony, and shall be punished by fine and imprisonment, and such corporal punishment, by public or private whipping, or shall be transported beyond the seas for any time not exceeding seven years, as the court, before whom such offender or offenders shall be tried and convicted, shall direct.

Persons destroying hides, etc. to be deemed guilty of misdemeanors.

IX. *And whereas divers ill-disposed persons, keeping such slaughtering houses and places as aforesaid, have, in order to prevent enquiry and detection, made a practice of throwing the hides of horses and other cattle into lime pits, or otherwise immersing in or rubbing the same with lime, or some other corrosive matter*; be it therefore enacted by the authority aforesaid, That if any person or persons, keeping or using any such slaughtering house or place as aforesaid, shall, at any time from and after the twentieth day of *July*, one thousand seven hundred and eighty-six, throw into any lime pit or lime pits, or otherwise immerse in lime, or any preparation thereof, or rub therewith, or with any other corrosive matter, or destroy or bury the hide or hides, skin or skins, of any horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, by him, her, or them slaughtered, killed, or flayed, or shall be guilty of any offence against this act, for which no punishment or penalty is expressly provided or declared, such person or persons, being convicted thereof, shall be adjudged, deemed, and taken to be guilty of a misdemeanor, and shall be punished by fine and imprisonment, and such corporal punishment, by public

public or private whipping, as the court before whom such offender or offenders shall be tried and convicted, shall direct.

Persons making false entries liable to penalty, &c.

X. And be it further enacted, That if any person or persons, so licensed as aforesaid, shall make, or cause to be made, any false entry in any such book, by him, her, or them to be kept as aforesaid, of any matter or matters, thing or things, so required by him, her, or them to be made in such book as aforesaid, he, she, or they, being convicted thereof, upon the oath of two credible witnesses, before any one justice of the peace for the county, riding, franchise, or district wherein such slaughtering house or place shall be situated (which said oath the said justice is hereby authorised and required to administer) shall, for every such offence, forfeit any sum not exceeding twenty pounds, nor less than ten pounds, to be levied by distress and sale of the goods and chattels of such offender or offenders, by warrant under the hand and seal of such justice (the surplus arising from such distress and sale, after the deduction of the charges thereof, to be restored), one moiety thereof to be paid to the informer, and the other moiety thereof to be forthwith paid or transmitted, by the said justice, to the overseers of the poor, or one of them, for the use of the poor of the parish wherein such offender or offenders shall reside; and in case such offender or offenders shall not have effects to the amount of the said penalty, it shall be lawful for such justice, after sale and application as aforesaid of such effects as shall be found, to commit him, her, or them to the house of correction, there to be confined to hard labour for any time not exceeding three months, not less than one month.

XI. And be it further enacted, That a conviction for any such offence, in the tenor or to the effect following, shall be good, to all intents and purposes:

Form of conviction when penalties are not paid.

BE it remembered, That on this day of in the year A. B. licensed for slaughtering horses, is convicted, upon the oaths of C. D. *and* E. F. *two credible witnesses, before me* G. H. *one of his Majesty's justices of the peace for the county of of having wilfully made, or caused to be made,* [as the case may be], *a false entry in the book required by the statute, in that case made and provided, to be kept by the said* A. B. *whereby he,* [*she,* or *they*] *has* [or *have*] *forfeited the sum of*

Given under my hand and seal, the day and year above written.

Inspectors books to be produced at the quarter sessions.

XII. And be it further enacted, That the book and books of all and every the inspector and inspectors of every parish wherein any such slaughtering house or place shall stand or be situated, shall be produced at every general quarter sessions of the peace, to be holden in and for the county wherein any such licence shall be granted, and delivered to the justices of the peace at such general

general quarter sessions assembled, then and there to be examined by them as they shall think fit.

Penalty on persons lending houses for the purpose of slaughtering.

XIII. And be it further enacted, That if any person or persons shall occasionally lend any house, barn, stable, or other place, for the purpose of slaughtering or killing any horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, which shall not be killed for butchers meat, without taking out such licence as aforesaid, and shall be thereof convicted before any justice of the peace for the county, riding, city, town, district, division, or liberty, wherein such person or persons shall reside, upon the oath of two credible witnesses, he, she, or they shall forfeit, upon conviction, for every such offence, any sum not exceeding twenty pounds, nor less than ten pounds; one moiety thereof to be paid to the informer, and the other moiety to the poor of the parish where the offence shall be committed; and which said last mentioned moiety shall, upon payment thereof, be immediately transmitted by the justice so convicting to the overseers of the poor of the said parish, or one of them; and in case such penalty shall not be forthwith paid, such justice shall commit the offender to the common gaol or house of correction, there to remain without bail or mainprize for any time not exceeding three calendar months, nor less than one calendar month, unless the said penalty shall be sooner paid; and the form of such conviction shall be as follows, or to the like effect:

Form of conviction when the said penalty is not paid.

BE it remembered, That on this day of A. B. *was convicted, upon the oaths of two credible witnesses, before me* C. D. *one of his Majesty's justices of the peace for the county of , for occasionally lending a house* [or *place*, as the case may be], *for the purpose of slaughtering horses*, [or, as the case may be, *of slaughtering cattle for other purposes than for butchers meat*], *without a licence for that purpose first obtained, according to the statute in that case made and provided.*

Given under my hand and seal, the day and year above written.

Act not to extend to curriers, etc. killing distempered horses, &c.

XIV. Provided always, That this act shall not extend to any currier, felt-maker, tanner, or dealer in hides, who shall kill any distempered or aged horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, or purchase any dead horse, mare, gelding, colt, filly, ass, mule, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, for the *bona fide* purpose of selling, using, or curing the hide or hides thereof, in the course of their respective trades; nor to any farrier employed to kill aged and distempered cattle, nor to any person or persons who shall kill any horse, mare gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, of their own or other cattle, or purchasing any dead horse, or other cattle, to feed their own hounds or dogs, or giving away the flesh thereof for the like purpose.

XV. And

XV. And be it further enacted, That if any collar-maker, currier, felt-maker, tanner, or dealer in hides, or farrier, or other person, shall, under colour of their respective trades or occupations, knowingly or willingly kill any sound or useful horse, gelding, mare, foal, or filly, or boil or otherwise cure the flesh thereof for the purpose of selling the same, such collar-maker, and other tradesman or person, shall be deemed and taken to be an offender within the meaning of this act, and shall, for every such offence, forfeit any sum not exceeding twenty pounds, nor less than ten pounds. Collar-makers, &c. killing sound horses, &c. liable to penalty.

XVI. And be it further enacted, That it shall and may be lawful for any justice of the peace before whom complaint shall be made for any offence against this act, to summon such person or persons, other than the party or parties complained against, as he shall think proper, to appear before him at a day certain, then and there to give evidence touching any offence committed against this act; and in case such person or persons shall wilfully refuse or neglect to attend, or give evidence touching such offence, he, she, or they shall forfeit the sum of ten pounds; and in default of payment thereof, or in case of inability to pay the same, shall stand committed to the common gaol or house of correction, for any time not exceeding three calendar months, nor less than one calendar month, unless the said penalty shall be sooner paid. Witnesses refusing to attend the justices, to forfeit 10l.

XVII. And be it further enacted, That any inhabitant of the parish where any offence against this act shall be committed, shall, upon any complaint or hearing before any justice or justices of the peace, or upon any trial or examination by virtue of this act, be, and be deemed to be, a competent witness, notwithstanding his or her contributing to any of the rates or dues to such parish; or being a poor person relieved or relievable by the said parish, and entitled as such to receive any benefit or interest from any penalty or penalties to be paid or levied in pursuance of the directions of this act; any law or usage to the contrary notwithstanding. Parishioners to be deemed competent witnesses.

XVIII. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times, be sued, molested, or prosecuted for any thing by him, her, or them done or executed in pursuance of this act, or of any clause, matter, or thing herein contained, such person or persons may plead the general issue, and give the special matter in evidence for his, her, or their defence; and if upon the trial, a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, then such defendant or defendants shall have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs. General issue. Treble costs.

CAP.

CAP. LXXII.

An act for explaining and amending an act, made in the twenty-fourth year of the reign of his present Majesty, intituled, An act for laying an additional duty on hackney coaches, and for explaining and amending several acts of parliament relating to hackney coaches.

Preamble. The fares established by 24 Geo. 3. c. 27, repealed.

WHEREAS *by an act of parliament, made in the twenty-fourth year of his present Majesty's reign,* (*intituled,* An act for laying an additional duty on hackney coaches, and for explaining and amending several acts of parliament relating to hackney coaches); *the several rates and fares to be taken by hackney coachmen, and persons legally acting under them, for the hire of any such hackney coach, from and after the fourth day of* September, *one thousand seven hundred and eighty four, are therein enumerated and set down: and whereas such rates and fares have been found insufficient to enable the hackney coachmen to pay the duties imposed, and also unsatisfactory to the publick:* be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *August*, one thousand seven hundred and eighty-six, so much of the said recited act as enumerates the rates and fares to be taken by licensed hackney coachmen, or persons legally acting under them, shall be, and the same are hereby repealed; and that from and after the said first day of *August*, every person who is or shall be licensed by the commissioners for licensing and regulating hackney coaches and chairs, or the major part of them, to drive, keep, and let to hire, by the hour or day, or otherwise, any hackney coach, with horses and geldings or mares, within the cities of *London* and *Westminster*, or the suburbs of the same, or within the parishes or places comprized within the weekly bills of mortality, or any other place or places whereto, by any of the laws now in being, such hackney coachmen are compellable to go, or any person legally acting under such licensed person, shall be intitled to, and may demand, receive, and take, for the hire of any such hackney coach, the rates and fares herein-after mentioned; (that is to say);

From Aug. 1, 1786, the following fares to be taken, viz.

For 1 mile and 1-4th, 1s.

For every distance within, and not exceeding one mile and two furlongs, the sum of twelve-pence:

For 3-4ths of a mile further, 6d.

And for every further distance within, and not exceeding six furlongs (computed as beyond the said first mentioned distance of one mile and two furlongs), the sum of sixpence:

For half a mile beyond the former 3-4ths, 6d.; & For every half mile further. 6d.

And for every further distance within, and not exceeding four furlongs (beyond the said second distance), the sum of sixpence:

And so in like manner the sum of sixpence for every further distance within, and not exceeding four furlongs, to be computed through

through the whole distance which such coach shall be driven or go:

And, as respecting such coaches as shall be considered to be kept in waiting, the following rates and fares shall and may be demanded, received, and taken; (that is to say),

For 3-4ths of an hour, 1s; between 3-4ths and an hour, 1s. 6d.

For any time, not exceeding three quarters of an hour, one shilling; and for any time exceeding three quarters of an hour, and not exceeding one hour, one shilling and sixpence:

Between an hour, and an hour and 20 minutes, 2s.; and for every 20 minutes afterwards, 6d.:

For any time exceeding one hour, and not exceeding one hour and twenty minutes, two shillings; and for every period of time, not exceeding twenty minutes, to be computed from the expiration of the said first hour and twenty minutes, the sum of sixpence, to be computed through the whole time during which such coach shall be engaged or employed:

For a day of 12 hours, 14s. 6d.

And for a day's work or hire, reckoning twelve hours to the day, the sum of fourteen shillings and sixpence; and for any time, to be computed from the conclusion of the said twelve hours, such coach shall be considered as a coach in waiting, the same shall be paid for in the manner, and according to the rate aforesaid.

Penalties for exacting more than these fares to be recovered as heretofore.

II. And it is hereby further enacted by the authority aforesaid, That if any such hackney coachman, his renter or driver, shall exact or take more for his or their hire than the several rates hereby limited, he or they shall, for every such offence, be subject and liable to such and the like penalties, forfeitures, and punishments, to be levied, recovered, suffered, and inflicted, by such persons, and in such and the like manner and form, as by any law or laws now are in being, respecting such hackney coachmen, their renters or drivers; and that the several rates and fares herein-before mentioned shall and may be recovered, in such and the like manner as the fares of hackney coachmen are by any act or acts of parliament now recoverable.

Licences may be revoked when arrears are not paid.

III. And be it further enacted by the authority aforesaid, That if any hackney coachman, his, her, or their renter or renters, shall, from and after the said first day of *August*, be in arrear of payment of any rent or rents, reserved or made payable by any licence or licences, granted or to be hereafter granted by the said commissioners, or the major part of them, for any longer time than is or shall be expressed in such licence or licences, it shall and may be lawful to and for the said commissioners, or the major part of them, to revoke such licence or licences, and to levy the rents and sums of money reserved, and thereby made payable, either upon the goods and chattels of such owner or owners, or renter or renters, in such and the like manner and form as they may, by any law now in being, do with respect to such owner or owners.

IV. And be it further enacted, That if any person or persons shall, at any time or times, be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this

General issue. act, or of any clause, matter, or thing herein contained, such person and persons shall and may plead the general issue, and give the special matter in evidence for his and their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, Treble costs. such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

CAP. LXXIII.

An act to discontinue, for a limited time, the payment of the duties upon low wines and spirits for home consumption, and for granting and securing the due payment of other duties in lieu thereof; and for the better regulation of the making and vending British *spirits; and for discontinuing, for a limited time, certain imposts and duties upon rum and spirits imported from the* West Indies.

Preamble. WHEREAS, *by several acts of parliament, in force at the time of the passing of a certain act of parliament, made in the twenty-fourth year of his present Majesty's reign,* (*intituled,* An act to discontinue, for a limited time, the payment of the duties upon low wines and spirits for home consumption, and for granting and securing the due payment of other duties in lieu thereof; and for the better regulation of the making and vending *British* spirits, as well for home consumption as for exportation; and for destroying all home made and foreign spirits, after the condemnation thereof; and for vesting in his Majesty the duties of excise within the lands of *Ferentosh*, in the county of *Inverness*; and for discontinuing, for a limited time, certain imposts and duties upon rum and spirits imported from the *West Indies*), *sundry rates and duties were granted upon low wines and spirits made in* Great Britain, *for home consumption: and whereas the said rates and duties were by the said act, made in the twenty-fourth year of the reign of his said Majesty, discontinued for a limited time, and other duties were by that act granted in lieu thereof for the same time: and whereas it is expedient to discontinue, for a further limited time, the rates and duties granted by the said acts of parliament in force at the time of the passing of the said act of parliament, made in the twenty-fourth year of his said Majesty's reign, upon low wines and spirits, made in that part of* Great Britain *called* England, *for home consumption, and to repeal so much of the said act as is herein-after repealed, and in lieu of the said rates and duties granted by the said acts of parliament in force at the time of the passing of the said act, made in the twenty-fourth year of his said Majesty's reign, and of the said rates and duties so granted in lieu thereof, to grant unto your Majesty, for the same limited time, the several rates and duties herein-after mentioned, and hereby imposed, and also to provide and enact the several powers, authorities, rules, regulations, and provisions herein-after mentioned, for the better raising, levying, collecting, and securing the said rates and duties hereby imposed*; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present

Act 24 Geo. 3. c. 46, recited.

present parliament assembled, and by the authority of the same, That, for and during the space of two years, to be computed from the fifth day of *July*, one thousand seven hundred and eighty-six, the said rates and duties, by the said acts of parliament in force at the time of the passing of the said act, made in the twenty-fourth year of his said Majesty's reign, so granted upon low wines and spirits made in that part of *Great Britain* called *England* for home consumption, shall be discontinued, save only and except in all cases relating to the recovering any arrears thereof, which may at that time remain unpaid, or to any penalty or forfeiture, penalties or forfeitures, relating thereto respectively; and that in lieu and stead of the said rates and duties so discontinued, and of the said rates and duties hereby repealed, there shall be raised, levied, collected, and paid unto his Majesty, his heirs and successors, the several rates and duties of excise following; (that is to say),

For 2 years from July 5, 1786, the present duties to cease, and in lieu thereof the duties following to be paid, viz.

For every gallon of fermented wort or wash, brewed or made for extracting spirits for home consumption from any malt, corn, grain, or tilts, or any mixture with the same, to be paid by the makers or distillers thereof, the sum of sixpence:

For every gallon of wort from grain, 6d.

For every gallon of cyder or perry, or any other wash or liquor made or brewed from any sort or kind of *British* materials (except such as are before mentioned), or from any mixture therewith, for extracting spirits for home consumption, to be paid by the makers or distillers thereof, the sum of five-pence:

For every gallon of cyder, &c. or of wash, from other British materials than grain, 5d.

For every gallon of fermented wort or wash, made or brewed from melasses or sugar, or any mixture therewith, for extracting spirits for home consumption, to be paid by the makers or distillers thereof, the sum of eight-pence three farthings:

For every gallon of wort from melasses or sugar, 8d. 3q.

And for every gallon of wash composed of foreign refused wine or foreign cyder, or wash prepared from foreign materials (except melasses and sugar), or any mixture therewith, for extracting spirits for home consumption, to be paid by the makers or distillers thereof, the sum of one shilling.

For every gallon from foreign wine, &c. 1s.

II. And be it further enacted by the authority aforesaid, That the said duties by this act imposed shall be under the receipt and management of the commissioners of excise in *England* for the time being.

Duties to be under the management of the excise.

III. And be it further enacted by the authority aforesaid, That all and every distiller and distillers, and maker and makers of low wines or spirits, shall, four days at the least before he, she, or they shall begin to brew any corn or grain, or to mix any other materials for the making of wash to be distilled into low wines, make a true and particular entry in writing at the next office of excise, within the limits whereof his, her, or their workhouse, still-house, storehouse, warehouse, or other place for the brewing, mixing, distilling, making, or keeping wort, wash, low wines or spirits, is or shall be situate, of all coppers, tuns, backs, coolers, stills, casks, and vessels, which he, she, or they, shall

Entry to be made of still-houses, &c. previous to working, and not to be used otherwise than specified in the entry.

shall make use of for the brewing, mixing, fermenting, working, distilling, holding, laying, or keeping any wort, wash, or low wines, or any spirits or feints; and in such entry shall insert the day when he, she, or they shall intend to begin first to brew any corn or grain, or to mix any other materials for the making of wort, wash, tilts, or other liquor to be distilled into low wines, and in such entry shall specify the particular use and purpose to and for which each such copper, tun, back, cooler, still, cask, and vessel, is intended to be used, applied and appropriated; and no such copper, tun, back, cooler, still, cask, or vessel, shall be used, applied, or appropriated, to any other use or purpose than that to which the same is in such entry specified to be intended to be used, applied, and appropriated, and which entry and entries shall be made out according to the schedule hereunto annexed, as the case may require; and if any such distiller or distillers, maker or makers of low wines or spirits, shall neglect to make such entry, specifying as aforesaid, or shall use, apply, or appropriate any such copper, tun, back, cooler, still, cask, or vessel, in the way of his, her, or their trade or business of a distiller or distillers, or maker or makers of low wines or spirits, to or for any other use or purpose than that to or for which such copper, tun, back, cooler, still, cask, or vessel, is in such entry specified to be intended to be used, applied, or appropriated, he, she, or they shall, for each and every such offence, forfeit and lose the sum of one hundred pounds, together with all wort, wash, low wines, spirits, feints, and other liquors respectively, which shall be found in any such copper, tun, back, cooler, still, cask, or vessel, at the time when such offence shall be commited; and such wort, wash, low wines, spirits, feints, and other liquor respectively, shall and may be seized by any officer or officers of excise.

Penalty on persons neglecting to make entry, &c.

Entries not to be withdrawn while duties are depending, etc.

IV. And be it further enacted by the authoriy aforesaid, That no distiller or distillers, or maker or makers of spirits for home consumption, shall be allowed to withdraw or discontinue his, her, or their entry of any still-house or storehouse whilst any duty therein shall be depending, or any utensils for brewing, fermenting, or distilling, shall be standing; and that it shall and may be lawful for any officer or officers of excise, by night as well as by day, (but if in the night, then on producing his or their commission or commissions as such officer or officers), to enter, by the usual or most accustomed doors or passages, into all entered still-houses, and all other places where utensils for brewing, fermenting, or distilling are standing, belonging to any distiller or distillers, or maker or makers of low wines or spirits; and if any person or persons shall wilfully obstruct any such officer or officers of excise from having free ingress and regress into and from any such entered still house, or place, every such person shall, for every such offence, forfeit and lose the sum of two hundred pounds; and after any obstruction, it shall and may be lawful to and for such officer or officers of excise, together with proper assistants, to break open by force any doors leading or belonging

Persons hindering officers from entering still-houses, forfeit 200l.

If officers are obstructed, they may break open

belonging to such entered still house or place, or any of the windows thereof, or to break through any of the walls, so far as shall be necessary for obtaining entrance thereinto: provided always, That nothing herein contained shall extend, or be construed to extend, to prevent the changing of any entry from the name of one owner or proprietor of the entered premises, to the name of any subsequent owner or proprietor thereof; or to prevent any distiller or distillers, or maker or makers of low wines or spirits, from changing his, her, or their entry for making of spirits for home consumption, to an entry for making of spirits for exportation; or from changing his, her, or their entry for making of spirits for exportation, to an entry for making of spirits for home consumption; or from changing his, her, or their entry for the making of spirits from corn or malt, to an entry for the making of spirits from melasses or sugar; or from changing his, her, or their entry for the making of spirits from melasses or sugar, to an entry for the making of spirits from corn or malt; so that every new entry, for the respective purposes aforesaid, be made on the same day whereon such distiller shall have withdrawn or discontinued his former entry; but if the new entry shall not be made on the same day in which the former entry shall be withdrawn, such former entry shall remain and continue in full force.

Still-houses, etc.

Cases where entries may be changed.

V. And be it further enacted by the authority aforesaid, That every fermenting wash-back which, from and after the first day of *August*, one thousand seven hundred and eighty-six, shall be used or kept by any distiller or maker, or distillers or makers of low wines or spirits, shall have a hole or dipping place in the top thereof, and be so placed and constructed as that the officer of excise may be conveniently enabled to take his dip or gauge at such hole or dipping place at the top thereof; and that every fermenting, or other wash-back shall, after the first day of *February*, one thousand seven hundred and eighty-seven, be so constructed and placed as that the top thereof shall be under or beneath the level of the charging cock of the wash still; and if any such distiller or maker, or distillers or makers of spirits, shall keep or use any fermenting wash-back without such hole or dipping place being at the top thereof, or shall have, keep, or use any fermenting wash-back so placed or constructed as that the officer of excise cannot conveniently be enabled to take his dip or gauge at such hole or dipping place at the top thereof, he, she, or they shall, for every such offence, forfeit and lose the sum of two hundred pounds.

Wash backs to be so constructed that the officer may conveniently take the gauge, on penalty of 200l.

VI. And be it further enacted by the authority aforesaid, That all and every distiller and distillers, and maker and makers of low wines and spirits, shall, after his, her, or their wash-back or wash backs shall be quite empty, and before the same shall be begun to be fresh limed, give or cause to be given to some or one of the officers of excise, under whose survey he, she, or they shall then be, such notice in writing as herein-after is mentioned, before the particular hour or time when he, she, or they intends or intend to begin to lime such wash-back or wash-backs,

Notice to be given before wash-backs are fresh limed, on penalty of 50l.

(that is to say), he, she, or they, if within the weekly bills of mortality, shall give notice, in writing, to some or one of the officers of excise, under whose survey he, she, or they shall then be, four hours at least, or in other parts of *Great Britain*, eight hours at least, of his, her, or their intention to begin to lime his, her, or their wash-back or wash-backs; and in case such distiller or distillers, or maker or makers, shall not begin to lime his, her, or their wash-back or wash-backs, at the time mentioned in such notice, or within one hour after, such notice shall in every such case respectively be null and void; and such distiller or distillers, or maker or makers, shall be obliged to give another like notice, in writing, before he, she, or they shall begin to lime his, her, or their wash-back or wash-backs; and if any distiller or distillers, or maker or makers of low wines or spirits, shall begin to lime any such wash-back or wash-backs, without giving such notice as aforesaid, he, she, or they, shall forfeit and lose the sum of fifty pounds for each and every wash-back which shall be so begun to be limed without such notice as aforesaid.

Penalty of 200l. on persons having conveyances to or from stills, not hereby permitted.

VII. And be it further enacted by the authority aforesaid, That no rectifier or rectifiers, or compounder or compounders of spirits, shall have or keep any opening, fixed pipe, or other conveyance whatever, leading to or leading from any still or stills to him, her, or them belonging, or by him, her, or them used (other than and except one charging pipe, and one hole or opening made according to the form of the statute in that case made and provided, to the intent that the gaugers and officers of excise may take gauges and samples), to each such still, nor shall have or keep any opening, fixed pipe, or other conveyance whatever, leading from any such still or stills, save and except the discharge cock to each still respectively belonging; and if any such rectifier or compounder, or rectifiers or compounders, shall have or keep any such opening, fixed pipe, or other conveyance (not before excepted), leading to or leading from such still or stills, he, she, or they shall, for every such fixed pipe, opening or conveyance (not before excepted), forfeit and lose the sum of two hundred pounds.

The provisions contained in

12 Geo. 3. c. 46;

and 14 Geo. 3. c. 73;

VIII. And be it further enacted by the authority aforesaid, That all and every the clauses, provisions, restrictions, powers, authorities, and directions, enacted, provided, granted, and contained in and by an act made in the twelfth year of his present Majesty's reign, (intituled, *An act for the more effectual preventing of frauds in the revenues of excise, with respect to tea, soap, low wines, and spirits*); or in and by an act made in the fourteenth year of his said Majesty's reign, (intituled, *An act to extend so much of an act, passed in the twelfth year of the reign of his present Majesty, as relates to distillers or makers of low wines and spirits from corn, to every kind of distiller; and for the more effectual securing the revenue of excise arising from low wines and spirits; and for ascertaining the allowance to be made to the manufacturers of wool and linen, in respect of the duties on soap imported and used in the woollen*

and linen manufactures; so far as the same, or any of them, relate to or concern the providing and affixing sufficient fastenings to the heads of stills, wash pumps, charging cocks, and discharge cocks respectively, or any of them; or to the providing locks and keys respectively for securing the said still heads, charging cocks, and discharge cocks respectively, or any of them; or to the providing and affixing locks, keys, and fastenings, or any of them, to the furnace doors of any still or stills; or to the locking, sealing, or securing such still heads, wash pumps, charging cocks, discharge cocks, and furnace doors respectively, or any of them; or to the opening or charging any still or stills, or giving notice of being desirous to open and charge the same respectively; or to the lighting fire under any still or stills, or to the opening any furnace door, or giving notice of being desirous to have any furnace door unlocked; or for the use of such locks, keys, and fastenings respectively; or to the enforcing a due obedience to the said acts, in respect to the matters aforesaid, under the several pains and penalties by the said acts respectively in that behalf imposed and inflicted for any disobedience or neglect concerning the same; shall be, and the same are hereby re-enacted, and are also hereby enacted and declared to extend to all furnaces, wash pumps, and stills of all distillers and makers of low wines and spirits whatsoever.

relative to the fastenings to stills, etc. extended to all distilleries.

IX. And be it further enacted by the authority aforesaid, That all and every rectifier and compounder, and rectifiers and compounders of spirits shall, at his, her, and their own expence, find, provide, and affix sufficient locks, keys, and fastenings, to be approved of in writing, by and under the hands of the respective surveyors or supervisors of excise of the division or district in which such rectifier or compounder, or rectifiers or compounders, shall respectively reside, to the discharge cock of all and every still and stills to him, her, or them belonging, or by him, her, or them used; and the officers of excise shall, and they are hereby required to lock and secure such discharge cocks; and if any such rectifier or compounder, or rectifiers or compounders, shall presume to rectify or compound spirits, before he, she, or they shall have found, provided, and affixed sufficient keys, locks, and fastenings, to be approved of as aforesaid, to every such discharge cock to each and every still to him, her, or them belonging, or by him, her, or them used, according to the directions herein given, or shall refuse to pay for such locks, keys, or fastenings, in pursuance of the directions of this act, he, she, or they shall, for each and every such offence, forfeit and lose the sum of fifty pounds.

Persons using stills without proper discharge cocks, to forfeit 50l.

X. And be it further enacted by the authority aforesaid, That where any locks, keys, or fastenings have been or shall be provided in pursuance of the said acts, made in the twelfth, fourteenth, and twenty-fourth years of his said Majesty's reign, or any of them, or in pursuance of this act, all and every distiller and distillers, and maker and makers of low wines or spirits, and all and every rectifier and rectifiers, and compounder and

Locks, etc. to be altered or repaired on requisition of the officer, on penalty of 50l.

compounders of spirits, to whom such locks, keys, and fastenings respectively shall then belong, shall, at his, her, or their own expence, from time to time, and at all times, when required so to do by the general surveyor, (if such distiller or distillers, or maker or makers, rectifier or rectifiers, compounder or compounders, shall reside within the limits of the chief office of excise in *London*), and by the respective surveyors or supervisors of excise (if such distiller or distillers, maker or makers, rectifier or rectifiers, compounder or compounders, shall reside out of the said limits) of the division or district in which he, she, or they shall respectively reside, immediately set about the altering, repairing and amending, and shall also, within a reasonable time then next following, repair, amend, and alter according to such requisition, all and singular the fastenings directed by the said several acts, made in the twelfth, fourteenth, and twenty-fourth years of his said Majesty's reign, or any or either of them, to be provided and affixed to the heads of each and every low wine still and wash still, wash pumps and charging cocks, belonging to or used by any distiller or maker of low wines or spirits, and also all and every such locks and keys as are by such acts of parliament, or any or either of them, directed to be provided for securing the said still heads, charging cocks, and wash pumps, and also all such locks, keys, and fastenings as are directed by the said acts, or any or either of them, to be found, provided and affixed to the furnace door of each and every still, by every distiller and maker of low wines or spirits for sale, rectifiers and compounders respectively used, and also all and every such locks, keys, and fastenings, as are by the said act, made in the said fourteenth year of his said Majesty's reign, directed to be found, provided, and affixed to the discharge cock of every wash still, and of every low wine still, used by every distiller and maker of low wines or spirits for sale; and if any such distiller or distillers, maker or makers, rectifier or rectifiers, compounder or compounders, to whom any such locks, keys, and fastenings, or any or either of them, shall belong, shall neglect or refuse immediately to set about the altering, repairing, or amending the same, or to repair, amend, or alter the same when thereunto required according to the directions of this act, he, she, or they shall, for each and every such neglect or refusal, forfeit and lose the sum of fifty pounds.

Recital of act 23 Geo. 3. c. 70.

XI. *And whereas, by an act made in the twenty-third year of the reign of his present Majesty, (intituled,* An act for the more effectual preventing the illegal importation of foreign spirits, and for putting a stop to the private distillation of *British* made spirituous liquors; for explaining such part of the act, imposing a duty upon male servants, as relates to the right of appeal from justices of the peace; to amend and rectify a mistake in an act of the last session of parliament, with respect to the removal of tea from one part of this kingdom to other parts thereof; and for preventing vexatious actions against officers of excise acting in

in pursuance of the authority given by excise statutes), *it was enacted, That the keys of every charging cock, and of every discharge cock, that should be made use of by any distiller or maker of low wines and spirits, whether for sale or for exportation, or by any rectifier or compounder of spirits, for charging, or for discharging and emptying any still or stills, or other entered utensil by him, her, or them respectively made use of, should be so rivetted into the cock, of which it was a part, as to prevent the same from being taken out of the body of the said cock: and whereas the rivetting the keys of such charging and discharge cocks, in manner directed by the said clause, has been found inconvenient and inadequate to the purposes thereby intended*; be it therefore enacted by the authority aforesaid, That so much of the said recited clause, as directs any such cocks to be rivetted as in the said clause is directed, shall be repealed, and the same is hereby repealed accordingly.

Clause of last recited act, relative to rivetting cocks repealed.

XII. And be it further enacted by the authority aforesaid, That no distiller or distillers, or maker or makers of low wines or spirits, or rectifier or rectifiers, or compounder or compounders of spirits, shall rivet, or cause to be rivetted, or otherwise fasten or cause to be fastened, any key into any charge or discharge cock of any still of or belonging to or used by him, her, or them, so as to prevent the officer or officers of excise from taking out and examining such key; and if any such distiller or distillers, maker or makers, rectifier or rectifiers, or compounder or compounders, shall rivet or cause to be rivetted, or fasten or cause to be fastened, any such key, contrary to the directions of this act, he, she, or they shall, for every such key so rivetted or fastened, forfeit and lose the sum of fifty pounds.

No key to be rivetted so as to preveut examination, on penalty of 50l.

XIII. And be it further enacted by the authority aforesaid, That no distiller or distillers, or maker or makers of low wines or spirits, nor any rectifier or rectifiers, or compounder or compounders of spirits, shall have any pipe or conveyance, communicating with any worm belonging to any still in his, her, or their custody or possession: and if any such distiller or distillers, maker or makers, rectifier or rectifiers, compounder or compounders, shall have any pipe or other conveyance, communicating with any worm belonging to any still in his, her, or their custody or possession, he, she, or they shall, for each and every such offence, forfeit and lose the sum of one hundred pounds.

Persons having pipes of communication with worms, to forfeit 100l.

XIV. And be it further enacted by the authority aforesaid, That no distiller or distillers, or maker or makers of low wines or spirits, or rectifier or rectifiers, or compounder or compounders of spirits, shall, from and after the said first day of *August*, one thousand seven hundred and eighty-six, have or keep any iron, or other cap or covering, upon any cock belonging to his, her, or their still or stills, or to any pipe, back or vessel whatsoever in his, her, or their entered premises, so as to prevent the officer or officers of excise from distinctly seeing and easily examining such cock; and if any such distiller or distillers, maker or makers, rectifier or rectifiers, or compounder or compounders, shall

No cap, etc. to be kept so as to prevent cocks being examined, on penalty of 50l.

shall have or keep any such cap or covering upon any such cock, contrary to the directions of this act, he, she, or they shall, for every such cap or covering so had or kept, forfeit and lose the sum of fifty pounds.

XV. *And, to the intent that no allowance may be made or permits granted to any person or persons, calling themselves rectifiers or compounders, for sale, but not being known or actual rectifiers and compounders, for any increase which such person or persons may make in his, her, or their stock or stocks, by water, sugar, syrup, fruit, or any other ingredients*; be it enacted by the authority aforesaid, That no person or persons shall be deemed to be a rectifier or compounder of spirits within the meaning of this act, who shall not have an entered still capable of containing in the body thereof, exclusive of the head, one hundred and twenty gallons at the least, nor unless such still shall have suitable tubs and worms affixed thereto, and shall be really and *bona fide* used for the rectifying of *British* spirits for sale by such person or persons.

No persons to be deemed rectifiers, etc. who have stills of a less capacity than 120 gallons, etc.

XVI. And be it further enacted by the authority aforesaid, That no wort, wash, or tilts, or other liquor, or preparation for the distilling of low wines, or spirits for home consumption, shall be put into the still, or otherwise removed from the back or vessel wherein the same was or were fermented, until the same shall have been gauged, and the duties hereby imposed charged thereon, by the proper officer of excise; and if any distiller or distillers, or maker or makers of spirits, shall, contrary to the directions of this act, put into any still, or otherwise remove or cause to be so put or removed, any such wort, wash, tilts, or other liquor or preparation from the back or vessel wherein the same was or were so fermented, before the same shall have been gauged, and the duties hereby imposed charged thereon, such person or persons shall, for every such offence, forfeit and lose the sum of two hundred pounds, and shall also pay double the duty for all the wort, wash, tilts, and other liquor or preparation so put into the still or removed as aforesaid.

No person to remove wort from backs to stills, before being gauged, on penalty of 200l. etc.

XVII. And be it further enacted by the authority aforesaid, That no distiller or maker, or distillers or makers of spirits shall have or keep any pipe, conveyance, or opening, leading to his wash still, save and except the known charging pipe or conveyance leading from his, her, or their known and entered wash back or backs, and such pipe or conveyance shall empty itself in a shute, open trunk, or vessel; which shute, open trunk, or vessel, shall be at a distance not exceeding six feet from the still, and shall be of the following dimensions; that is to say, at least two feet in length, one foot in breadth, and not more than two feet in depth; from which shute, open trunk, or vessel, the conveyance pipe into the wash still shall be in a straight line, and not concealed from the view of the officer, nor of a greater or larger size than six inches diameter in the clear, on pain of forfeiting, for every other pipe, trunk, conveyance, or opening,

Regulations relative to still pipes, etc.

opening, erected, set up, kept, or continued, contrary to the true intent and meaning of this act, the sum of two hundred pounds.

Officers to take wort, on paying for the same.

XVIII. And, to the end that the officers of excise may be able to taste, examine, and ascertain the quality of all wash, worts, or other liquors, intended to be conveyed into the still or stills of all and every distiller and distillers, and maker or makers of low wines and spirits, all such officers are hereby impowered, as often as to them, or any of them, shall seem expedient, to take a sample or samples of such wash, worts, or other liquors, either in the coolers, wash-backs, or other vessels whatsoever, before the same shall be conveyed into the wash still or stills, not exceeding twelve gallons at any one time, from each such cooler, wash-back, or other vessel, on paying after the rate of one shilling and sixpence by the gallon for the same.

Officers to keep account of the still gauges.

XIX. And be it further enacted by the authority aforesaid, That the proper officer of excise shall gauge all wort, wash, and other liquor, after the same shall have been put into the wash still, (either for home consumption or for exportation), and keep in his books true accounts of the still gauges of such wort, wash, and other liquors respectively.

Persons fraudulently removing or concealing wort, to forfeit it, and 10s. per gallon on the quantity.

XX. And be it further enacted by the authority aforesaid, That no wort, wash, tilts, or low wines, in the possession of any distiller or maker of spirits, distillers or makers of spirits, shall be removed or taken away from his, her, or their entered distillery, nor shall any wort, wash, or tilts, be deposited, hid, or concealed, in any place whatsoever, with intent to defraud his Majesty of the duties thereon; and when and so often as any wort, wash, tilts, or low wines, shall be removed or taken away, or any wort, wash, or tilts, deposited, hid, or concealed, contrary to the true intent and meaning of this act, such wort, wash, tilts, and low wines respectively, shall be forfeited and lost, and shall and may be seized by any officer or officers of excise; and over and beside such forfeiture, such distiller or maker, or distillers or makers, so removing or taking away any wort, wash, tilts, or low wines, or so depositing, hiding, or concealing any wort, wash, or tilts, or causing the same so to be removed, taken away, or deposited, hid, or concealed, and the person or persons employed so to remove or take away, or so to deposit, hide, or conceal the same, or who shall receive the same, shall severally forfeit and lose the sum of ten shillings for every gallon of wort, wash, tilts, or low wines so removed, taken away, or concealed, and the like sum of ten shillings for every gallon of wort, wash, or tilts, so deposited, hid, or concealed.

Penalty of 200l. on distillers not charging wash stills as herein directed, or

XXI. And be it further enacted by the authority aforesaid, That all and every distiller and distillers, and maker and makers of low wines or spirits for home consumption, shall, before he, she, or they shall begin to draw off any low wines from his, her, or their wash still, charge the same with wort or wash made from

for working them off in due time.

from malt or corn, or melasses or sugar, or with cyder, perry or other liquor, on which the duties hereby imposed are directed to be charged, and shall have been charged, in the proportion of not less than three parts in four of the whole quantity of liquor which such still, including the head, is capable of containing; and that all and every distiller and distillers, and maker and makers of low wines or spirits for exportation, shall, before he, she, or they shall begin to draw off any low wines from his, her, or their wath still, charge the same with such wort or wash, in the proportion of not less than four parts in five of the whole quantity of liquor which such still, including the head, is capable of containing; and that every wash still shall be worked off within the space of twenty-four hours, to be computed from the time of the officer's taking an account of the charge of such still; and that all and every distiller and distillers, and maker and makers of spirits, who shall begin to draw off any low wines until his, her, or their wash still shall have been so charged in manner herein-before directed; or after having been so charged, shall not work the same off within such twenty-four hours, he, she, or they shall, for each and every such offence, forfeit and lose the sum of two hundred pounds.

Penalty on keeping low wines more than 12 hours after they have been run off from the wash still, etc.

XXII. And be it further enacted by the authority aforesaid, That all low wines shall, within the space of twelve hours after the same shall have been run off from the wash still, be conveyed into the low wine still, and shall, within the space of the next twelve hours, be drawn off and distilled into spirits; and if any distiller or distillers, or maker or makers of low wines or spirits, shall keep any low wines more than twelve hours after the same shall have been run off from the wash still before the same shall be put into the low wine still, or shall not, within the space of the next twelve hours after the same shall have been put into the low wine still, work off and distil the same into spirits, he, she, or they shall, for every such offence, forfeit and lose the sum of ten pounds by the hour for each and every hour beyond the time or space hereby limited for that purpose, during which he, she, or they shall keep any such low wines without drawing off or distilling the same into spirits.

Penalty of 200l. on rectifiers who do not charge their stills as herein directed, or work them off in due time.

XXIII. And be it further enacted by the authority aforesaid, That all and every rectifier and rectifiers, compounder and compounders of *British* spirits, shall, before he, she, or they shall begin to draw off any spirits from his, her, or their still, charge the same in the proportion of not less than seven parts in ten of the whole quantity of liquor which such still, including the head, is capable of containing; and such still shall remain and continue so charged until he, she, or they shall begin to draw off spirits therefrom; and every such still shall be worked off within eighteen hours, to be computed from the time of the officer's taking the gauge of the still; and if any rectifier or compounder, or rectifiers or compounders of spirits shall begin to draw off any spirits from his, her, or their still not so charged, or

or shall not work off the same within such eighteen hours, he, she, or they shall, for each and every such offence, forfeit and lose the sum of one hundred pounds.

No allowance to be made for any fluid mixed with wash, etc.

XXIV. And be it further enacted by the authority aforesaid, That no distiller or maker, or distillers or makers of spirits for exportation, shall have or be entitled to any allowance for or under any pretence of any increase by water, or any other fluid mixed with the wash put into his, her, or their still, but the whole charge of such still shall be considered as wash; and he, she, or they shall, in respect of the said charge, produce to the proper officer the several and respective quantities and proportions of spirits, specified and directed in and by an act made in the twenty-first year of his present Majesty's reign, amongst other things, for the better and more effectual securing the revenue of excise, and of the inland duties under the management of the commissioners of excise, and for preventing frauds therein, under the pains and penalties in and by that act directed and provided in that behalf.

Directions of act 21 Geo. 3. c. 55. to be followed.

Officers to keep accounts of wash, and give distillers the following credits, viz.

XXV. And be it further enacted, That every officer of excise, having any still or still house, or other place used for the purpose of making or distilling spirits for home consumption, under his survey, shall keep exact accounts in his books of all wash, wort, tilts, and other liquors, whereon the said duties are imposed by this act; and shall in his said books of accounts give unto the several and respective distillers or makers of spirits under his survey, a credit according to the following rates or proportions; that is to say,

For every one hundred gallons of wort or wash, made or brewed from malt, corn, grain, or tilts, or any mixture with the same, a credit for twenty gallons of spirits of the strength of one to ten over hydrometer proof:

For every 100 gallons of wort made from grain, 20 gallons of spirits:

For every one hundred gallons of cyder, perry, wash, or other liquor, made or brewed from any sort or kind of *British* materials, except malt, corn, grain, or tilts, or any mixture with the same, a credit for fifteen gallons of spirits of the strength aforesaid:

For every 100 gallons, made from other British materials, 15 gallons:

For every one hundred gallons of wort or wash, made or brewed from melasses or sugar, or any mixture with the same, a credit for twenty-two gallons of spirits of the strength aforesaid:

For every 100 gallons made from melasses or sugar, 22 gallons:

And for every one hundred gallons of wash, composed of foreign refused wine or foreign cyder, or wash prepared from foreign materials (except melasses and sugar), or any mixture therewith, a credit for twenty gallons of spirits of the strength aforesaid.

For every 100 gallons made from other foreign materials, 20 gallons.

Encrease of stock, above a due quantity to be forfeited, and also 5*l*.

XXVI. And be it further enacted by the authority aforesaid, That if, on casting up the stock of any distiller or maker, or distillers or makers of spirits for home consumption (such maker not being also a rectifier), at the aforesaid strength of one to

to ten over hydrometer proof, any officer or officers of excise shall find the quantity of spirits, contained in such stock, to exceed the quantity for which the distiller or maker or distillers or makers thereof is or are entitled to such credit as aforesaid, after making the proper deduction and allowance for the quantity of spirits for which permits shall have been granted to such distiller or maker, or distillers or makers, then, and in every such case, such excess shall be deemed and taken to have arisen, and been occasioned by wort, wash, tilts, or other liquor not duly charged with the rates and duties hereby imposed; and so much of such stock as shall be found increased, shall be forfeited and lost, and a quantity equal to the quantity so found in excess shall and may be seized and taken by any officer or officers of excise from and out of any part of such stock, and the person and persons, in whose stock such excess shall be found, shall also forfeit and lose the sum of fifty pounds.

Officers to take stock of distillers every 3 months, or when ordered so to do, and if any unfair encrease be found, it is to be forfeited and 50l.

XXVII. And be it further enacted by the authority aforesaid, That the officers of excise shall, within thirty days after the commencement of this act, and so afterwards once in every three months at the least, and oftener when occasion shall require, or when directed by any principal or general officer of excise, or by the surveyor or supervisor of the district, take an account of the stock of all distillers and makers of *British* spirits for home consumption, and also of the raw or unrectified stock of all dealers in *British* spirits for home consumption (such distillers, makers, or dealers, not being actual rectifiers or compounders of spirits); and if, on taking such account, the quantity of spirits found in any such stock, added to the quantity for which permits shall have been granted since the time of taking the last preceding account of such stock, shall be found to exceed the quantity of spirits found in such stock at the time of taking such last preceding account, added to the quantity since legally made or received by permit, such stock being cast or computed at the strength of one to ten over hydrometer proof, a quantity of spirits equal to the quantity of spirits so found in excess shall be forfeited and lost, and shall and may be seized and taken, by the officer or officers of excise who shall discover the same, from and out of such stock; and the person or persons, in whose stock such quantity of spirits so found in excess shall be discovered or found, shall also forfeit and lose the sum of fifty pounds.

Officers to take stock of rectifiers every 3 months, and if an unfair encrease be found, it is to be forfeited and 50l.

XXVIII. And be it further enacted by the authority aforesaid, That, within thirty days after the commencement of this act, and afterwards once in every three months at the least, the officers of excise shall also take an account of the stock of *British* brandy, rectified *British* spirits, raw *British* spirits, compounds, and other *British* spirits, of every rectifier and compounder of spirits (whether a maker of spirits or not); and if on taking such account, the stock so taken, added to the quantity of spirits for which permits shall have been granted to such rectifier or compounder, since the time of taking the last preceding account of

of such stock, shall be found to exceed the quantity of spirits found in such stock, at the time of taking such last preceding account, added to the quantity since legally made or received by permit, with the allowance of thirty-five gallons on every one hundred gallons so made or received, casting or computing such stock at the strength of one in eight under hydrometer proof, a quantity of spirits equal to the quantity of spirits so found in excess shall be forfeited and lost, and shall and may be seized and taken, by the officer or officers of excise who shall discover the same, from and out of such stock; and the person or persons in whose stock such quantity of spirits so found in excess shall be discovered or found, shall also forfeit and lose the sum of fifty pounds.

Rectifiers to have an allowance of 35 gallons in the 100 for encrease by water, etc.

XXIX. And be it further enacted by the authority aforesaid, That for the making unto the rectifiers and compounders of spirits, as well for what they shall lawfully make, as for what they shall lawfully purchase and receive by permit, a fair allowance for that increase by water, sugar, syrup, or fruit which is necessary to render their spirits fit for consumption, there shall be allowed permits for the sending out any number of gallons, not exceeding the rate or proportion of one hundred and thirty-five gallons of *British* brandy, rectified *British* spirits, or compounds, for every one hundred gallons of *British* raw spirits of the strength of one to ten over hydrometer proof, which they shall have received by permit, or shall have made, according to the regulations and directions of this act; any thing herein, or in any other act or acts of parliament, contained to the contrary thereof in any wise notwithstanding.

Officers to keep an account of the quantity of spirits made, etc. and for which permits have been granted; and if permits are required for a larger quantity than ought to be in stock, it may be seized.

XXX. *And, to the intent that permits may not be granted for sending out a greater quantity of* British *brandy, rectified* British *spirits, or compounds, from the stock of any rectifier or rectifiers, or compounder or compounders of* British *spirits, than that of one hundred and thirty-five gallons for every one hundred gallons which he, she, or they shall lawfully make or receive by permit*, be it further enacted by the authority aforesaid, That the proper officers of excise shall keep an account in their books with all and every the d stiller and distillers, maker and makers, rectifier and rectifiers, and compounder and compounders of *British* spirits, as well of the quantities of all *British* spirits which he, she, or they shall legally make or receive by permit, as of the quantities of all *British* spirits for which any such officer or officers shall grant any permit; and when and so often as any officer shall be called upon or required by any such distiller or distillers, maker or makers, rectifier or rectifiers, or compounder or compounders, to grant any permit or permits for the sending out of any *British* brandy, rectified *British* spirits, raw *British* spirits, *British* compounds, or spirits of wine, exceeding the quantity which he, she, or they ought to have remaining in stock, such officer or officers shall immediately examine, or cause to be examined, the stock in hand of such distiller or distillers, maker or makers, rectifier or rectifiers, or compounder or compounders, and whatever

ever excess shall be found in stock, such excess shall be forfeited and lost, and shall and may be seized by any officer or officers of excise.

Spirits not of the strength herein prescribed, to be forfeited:

XXXI. And be it further enacted by the authority aforesaid, That no distiller or distillers, or maker or makers of spirits, shall sell or send out any spirits whatever for home consumption of a greater or higher degree of strength than that of one to ten over hydrometer proof; and no rectifier or rectifiers, or compounder or compounders of spirits (whether a maker or makers of spirits, or not), shall sell or send out any *British* brandy, *British* rectified spirits, *British* compounds, or other *British* spirits, of a greater or higher degree of strength than that of one in eight under hydrometer proof; nor shall any distiller or distillers, maker or makers, rectifier or rectifiers, compounder or compounders of spirits, or any dealer or dealers in spirits, sell or send out any foreign spirits of a lower degree of strength than that of one in six under hydrometer proof, nor have in his, her, or their custody or possession any quantity of foreign spirits, or *British* and foreign spirits mixed together, except shrub, cherry or raspberry brandy, of a lower degree of strength than as last aforesaid, upon pain of all such spirits being forfeited and lost; and all such spirits, together with the casks and vessels containing the same, shall and may be seized by any officer or officers of excise.

But rectifiers, etc. keeping their stock of spirits separate from other liquors, may send out a quantity of a greater strength.

XXXII. Provided nevertheless, and be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any rectifier or rectifiers, or compounder or compounders of spirits, and to and for any dealer or dealers in rectified *British* spirits, upon condition of his, her, or their keeping his, her, or their whole stock of spirits of wine separate and apart from his, her, or their stock of other liquors, but not otherwise, to demand and receive permits for sending out spirits of wine of any higher or greater degree of strength than that of one in eight under hydrometer proof to any person not being a maker, rectifier, or compounder of spirits, so that the whole quantity of such spirits of wine to be sent to any one person in the same day shall not exceed one hundred and twenty gallons; and the officer granting such permit shall therein express the same to be double spirits, and shall debit the stock of such rectifier or rectifiers, compounder or compounders, or dealer or dealers, at the rate of two hundred gallons of *British* spirits for every one hundred gallons of spirits of wine for which such permit shall be granted.

Rectifiers not marking the strength of mixed spirits on casks, or marking them untruly, to forfeit the same, and 50l.

XXXIII. And be it further enacted by the authority aforesaid, That in all cases where the strength of any part of the stock of any rectifier or rectifiers, or compounder or compounders of spirits, by being mixed with any sugar, syrup, seeds, fruit, or any other ingredients or materials, cannot be easily ascertained by the hydrometer, such rectifier or rectifiers, or compounder or compounders, shall, upon twelve hours notice given him by such officer or officers, cause the true quantity and degree

degree of strength of such spirits, so mixed, to be legibly marked on the outside of the cask or casks, or vessel or vessels, containing the same respectively; and if the strength of such spirits shall be found to have been untruly marked by such rectifier or rectifiers, or compounder or compounders, on the outside of such cask or casks, or vessel or vessels, or if he, she, or they shall, upon such twelve hours notice given as aforesaid, neglect to mark the quantity and degree of strength of such spirits, as aforesaid, such spirits, syrup, seeds, fruit, and other ingredients, together with the casks and vessels containing the same, shall be forfeited and lost, and shall and may be seized by any officer or officers of excise; and such rectifier or compounder, or rectifiers or compounders, shall also, for each and every such offence, forfeit and lose the sum of fifty pounds.

Rectified spirits found in the custody of any dealer, not a rectifier, to be forfeited, if stronger than one in eight under hydrometer proof.

XXXIV. Provided always, and be it enacted by the authority aforesaid, That if any *British* spirits (other than and except raw or unrectified spirits, or spirits of wine, which have been lawfully received by permit, according to the directions of this act, or of an act passed in this session of parliament, intituled, *An act to discontinue, for a limited time, the several duties payable in* Scotland *upon low wines and spirits, and upon worts, wash, and other liquors there used in the distillation of spirits, and for granting to his Majesty other duties in lieu thereof*), or any mixture of *British* spirits with foreign spirits, shall be found in the custody of any dealer or dealers in spirits, not being a rectifier or compounder of *British* spirits, exceeding the strength of one in eight under hydrometer proof, the same, together with the casks and vessels containing the same, shall be forfeited and lost, and shall and may be seized by any officer or officers of excise.

Spirituous liquors kept in separate buildings, may be surveyed as separate stocks.

XXXV. And be it further enacted by the authority aforesaid, That if any distiller or distillers, rectifier or rectifiers, compounder or compounders of, or dealer or dealers in spirituous liquors, shall have, occupy, or use different entered warehouses or places for the keeping of any spirituous liquors, or strong waters, and which shall not be under the same roof, or shall be separated from each other by the intervention of any land, premises, buildings, or otherwise howsoever, the stocks of spirituous liquors in such entered warehouses or places shall or may, if the officer or officers (under whose survey such stock or stocks shall be) deem it expedient, be deemed and taken to be separate and distinct stocks, and the same shall and may be surveyed and kept account of by the officer and officers of excise accordingly, in the same manner as if the same belonged to different persons.

Persons hindering officers from taking samples, paying for the same, to forfeit 100l.

XXXVI. *And, to the intent that the officers of excise may the more conveniently examine into, and give proof (if necessary) of the strength and quality of any* British *spirits for home consumption*, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any officer or officers of excise, at all times, to take any sample or samples, not exceeding four gallons respectively, of any spirits whatsoever, at any time found in

in the custody or possession of any distiller or distillers, maker or makers, rectifier or rectifiers, compounder or compounders of spirits, or dealer or dealers in spirits, paying for such sample or samples, at and after the rate of seven shillings by the gallon for such sample or samples of *British* spirits, and at and after the rate of thirteen shillings by the gallon for such sample or samples of foreign spirits: and if any person or persons whatsoever shall obstruct or hinder any such officer or officers in the taking any such sample or samples, such person or persons shall, for every such offence forfeit and lose the sum of one hundred pounds.

Spirits produced from stills at work when stocks are taken, to be afterwards added.

XXXVII. Provided always, and be it enacted by the authority aforesaid, That if any still shall happen to be charged, and at work at the time of such officer's taking account of the stock of any distiller or distillers, maker or makers, rectifier or rectifiers, or compounder or compounders of spirits, to whom such still shall belong, then, and in every such case, all the spirits produced from that charge of the still shall be kept separate and apart from the rest of such stock till the account of the rest of such stock shall have been completely taken, after which the spirits produced from that charge shall be added to such stock.

Penalty on using casks not entered or gauged, etc.

XXXVIII. *And, for enabling the officers of excise the more readily to take the several accounts by this act directed*, be it further enacted, That all standing or fixed casks used for the keeping in stock of any *British* brandy, rectified *British* spirits, raw *British* spirits, *British* compounds, or other spirits, shall, on or before the fifth day of *July*, one thousand seven hundred and eighty-six, or if erected or set up after that time, then before the same shall be made use of, be entered at the proper office of excise, and be truly gauged and inched to the satisfaction of the proper officer or officers of excise, upon pain of forfeiture, by the owner or owners thereof, of the sum of one hundred pounds for every such cask which shall be used without having been duly entered, gauged, and inched, as aforesaid, and also of every such cask, with the liquor contained therein; and that every moveable cask used for the sending out or keeping of *British* brandy, rectified *British* spirits, raw *British* spirits, *British* compounds, or other spirits, by any maker, rectifier, compounder, or dealer in *British* spirits for home consumption, shall have its full measure in gallons, or the quantity of liquor it is capable of containing, legibly painted or cut on some conspicuous part thereof, upon pain that the owner of any moveable cask so used, not having such full measure or such quantity painted or cut, or the person sending out the same, shall forfeit and lose the sum of fifty pounds for every such default, omission, or offence.

Persons not filling up casks on notice of survey, or not

XXXIX. And be it further enacted by the authority aforesaid, That if a previous notice of twelve hours in writing be given or left, by the officer or officers of excise under whose survey any distiller or distillers, rectifier or rectifiers, compounder or compounders of, or dealer or dealers in, *British* spirits, shall at

keeping different sorts of spirits separate, to forfeit 100l.

at any time be, of such officer or officers intention to take an account of any stock of *British* brandy, rectified *British* spirits, raw *British* spirits, *British* compounds, or other spirits respectively, of or belonging to any such distiller or distillers, rectifier or rectifiers, compounder or compounders of, or dealer or dealers in, *British* spirits, such distiller or distillers, rectifier or rectifiers, compounder or compounders of, or dealer or dealers in, *British* spirits, shall, within such twelve hours, fill up, or cause to be filled up, all and every his, her, or their moveable casks or utensils containing any *British* spirits, and which shall not be completely filled at the time of such notice being given, save and except that one of such moveable casks or utensils may remain on ullage with *British* brandy therein, another thereof on ullage with rectified *British* spirits therein, another thereof on ullage with raw *British* spirits therein, another thereof on ullage with *British* compounds therein, and another thereof on ullage with spirits of wine therein; and such distiller or distillers, rectifier or rectifiers, compounder or compounders of, or dealer or dealers in, *British* spirits, shall also separate all such moveable casks and utensils containing *British* brandy, from all other casks and utensils whatsoever, and keep the same so separated for the space of six hours next after the expiration of such twelve hours; and shall in like manner separate all such moveable casks and utensils containing rectified *British* spirits from all other casks and utensils whatsoever, and in like manner keep the same so separate for the space of six hours next after the expiration of such twelve hours; and shall also in like manner separate all such moveable casks and utensils containing raw *British* spirits from all other casks and utensils whatsoever, and in like manner keep the same so separate for the space of six hours next after the expiration of such twelve hours; and shall in like manner separate all such moveable casks and utensils containing *British* compounds from all other casks and utensils whatsoever, and in like manner keep the same so separate for the space of six hours next after the expiration of such twelve hours; and shall in like manner separate all such moveable casks and utensils containing spirits of wine from all other casks and utensils whatsover, and in like manner keep the same so separate for the space of six hours next after the expiration of such twelve hours; to the intent that such officer may be able to take such stock with the greater ease and certainty; and if such distiller or distillers, rectifier or rectifiers, compounder or compounders of, or dealer or dealers in spirits, shall or do, after such notice, neglect or refuse to fill up, or cause to be filled up, any such moveable cask or utensil, according to the directions of this act, or shall neglect or refuse to separate all such moveable casks and utensils containing such *British* brandy, rectified *British* spirits, or *British* spirits, *British* compounds, and spirits of wine respectively, or to keep the same separate from all other casks and utensils whatsoever, according to the directions of this act, such distiller or distillers, rectifier or rectifiers, compounder or compounders of, or

or dealer or dealers in spirits, shall, for each and every such offence, forfeit and lose the sum of one hundred pounds.

Particulars to be specified in permits.

XL. And be it further enacted by the authority aforesaid, That in every permit for the removal of any raw *British* spirits, it shall be expressed and truly specified immediately after the name of the person out of whose stock such spirits shall be sent, whether such person be a distiller or maker, or a rectifier, or a maker and rectifier, or a dealer in spirits; and that no permit, save only the permit from the actual distiller or maker of such raw spirits in *England* (such distiller or maker not being also a rectifier for home consumption, or a compounder of spirits), and the permit accompanying *British* spirits, whether raw, rectified, or compounded, legally brought from *Scotland*, shall carry with it, or intitle any rectifier or compounder, or dealer, to any allowance for the same in stock beyond the actual quantity of the spirits removed by virtue of such permit: provided always, that every dealer or dealers, rectifier or rectifiers, compounder or compounders, after receiving any rectified or compounded spirits legally brought from *Scotland*, shall be obliged, within twenty-four hours after the receipt of such spirits, to give notice thereof to the proper officer, who is hereby obliged, within twenty-four hours after such notice, to attend to see such spirits reduced to the strength as by this act provided for such rectified or compounded spirits as aforesaid; and if such rectifier, compounder, or dealer, shall refuse or neglect, at the request of the officer, to reduce such spirits as aforesaid, such spirits shall be seized, forfeited, and lost.

Notice of the receipt of spirits brought from Scotland to be given; and if not properly reduced, to be forfeited.

Mode of application for permits, and penalty on neglect.

XLI. And be it further enacted by the authority aforesaid, That all persons intitled to or demanding any permit for the removal of *British* brandy, rectified *British* spirits, raw *British* spirits, spirits of wine, or *British* compounds, for home consumption, shall in the request note specify the respective trades or callings, specifying whether they are distillers, rectifiers, compounders, or dealers in *British* spirits, and also the quantity of each such respective sort of *British* spirits intended to be removed, (and if such person or persons shall have, occupy, or use different entered warehouses or places for the keeping of any *British* spirits, and which shall not be under the same roof, or be separated from each other by the intervention of any land, premises, or buildings, or otherwise howsoever, from what particular warehouse, storehouse, room, shop, cellar, vault, or other place, the same is intended to be removed), and to whom the same is intended to be sent; and such request note shall also specify whether such *British* spirits, so intended to be removed, are *British* brandy, rectified *British* spirits, raw *British* spirits, spirits of wine, or *British* compounds, and shall also distinguish raw *British* spirits made from corn from raw *British* spirits made from melasses or sugar, or any other materials, and shall also specify the contents of the several casks, vessels, and other packages containing the same, and by what mode of conveyance the same is intended to be sent, and whether by land

or

or by water; and no permit shall be valid or of any effect, if the same shall be granted on any request note not made conformable to the directions of this act; and all such spirits which shall be removed under a description not conformable to this act, or under any false description, together with the casks, vessels, and other packages containing the same, and the horses, cattle, carts, and other carriages used in the removal thereof, shall be forfeited and lost, and shall and may be seized by any officer or officers of excise.

Permits to correspond with request notes, and to be delivered to the buyer, on penalty of forfeiture of the spirits, etc.

XLII. And be it further enacted, That every permit to be granted by any officer of excise, for the removal of any *British* spirits, shall be made to correspond, in respect to the particulars aforesaid, with the request note whereon the same shall be granted, and such permit shall be sent and delivered with such spirits unto the buyer thereof, upon pain that such spirits shall (if the same be not seized in the transit for want of a lawful permit accompanying the same), be forfeited to the buyer thereof, and the seller rendered incapable of recovering the same, or the value or price thereof, in any court of law or equity; and also that the seller shall, over and besides the loss of the said spirits, forfeit and lose double the value of or price agreed to be paid for the same, including the duties, and that the evidence of the buyer or person receiving the said spirits shall, as to such forfeiture of double the value or price, be admitted to prove that the same were delivered without a lawful permit.

If it be proved that a permit was obtained for removal of spirits, they shall be deemed to have been delivered with a permit.

XLIII. Provided always, and be it enacted by the authority aforesaid, That when any suit or action shall be commenced, or any information filed or exhibited either against the seller for recovery of the forfeiture of such double value or price, or against the buyer for the recovery of the said spirits, or the value thereof; and upon the trial or hearing of any such suit, action, or information respectively, the delivery of a proper permit to the buyer shall become a question, it shall be sufficient for the seller to prove that a lawful permit was duly obtained by him for the removal of such spirits into the stock of the buyer thereof, and that there had been a suitable decrease in the seller's stock to answer the quantity of such spirits so removed and delivered; and upon making out such proof, such spirits shall be adjudged to have been sent out and delivered with a lawful permit, according to the true intent and meaning of this act: provided also, That no buyer of any such *British* spirits shall avail himself of any such forfeiture as aforesaid, unless such buyer shall, within fourteen days next after the delivery of the said spirits to him, her, or them, exhibit a complaint or information before the commissioners of excise or justices of the peace, having jurisdiction in that behalf, and forthwith prosecute the same with effect; and when any such buyer shall, before the delivery of such spirits, have actually paid for the same, and shall prosecute the seller for the said penalty of double the value, and shall recover the same, then, and in such case, the said buyer shall and may have and maintain his action upon the case at common

Buyers prosecuting for forfeiture of spirits, delivered without permits, to exhibit complaints in 14 days, etc.

common law against such seller for the money so paid, or for so much money had and received by the defendant for the plaintiff's use; and upon obtaining a verdict in such action, the plaintiff shall also recover costs of suit.

Denominations of spirits of different distillations.

XLIV. And be it further enacted by the authority aforesaid, That all *British* spirits of the third extraction, or which have been twice distilled from low wines, and have had any flavour communicated thereto, and all liquors whatsoever which shall be mixed or mingled with any such spirits, shall be deemed and taken to be *British* brandy within the meaning of this act; and all *British* spirits of the third extraction, or which shall have been twice distilled from low wines, and have had no flavour communicated thereto, and all liquors whatsoever which shall be mixed or mingled with any such spirits, shall be deemed and taken to be rectified *British* spirits within the meaning of this act; and all *British* spirits of the second extraction, or which shall have been once distilled from low wines, and all liquors whatsoever which shall be mixed or mingled with any such spirits, shall be deemed and taken to be raw *British* spirits within the meaning of this act; and all *British* spirits which shall have been distilled with juniper berries, carraway seeds, anice seeds, or any other seeds, preparation or ingredient whatsoever, used in the compounding of spirits, and all liquors whatsoever which shall be mixed or mingled with any such *British* spirits, shall be deemed and taken to be *British* compounds within the meaning of this act; and all *British* spirits of a greater or higher degree of strength than one to two over hydrometer proof, shall be deemed and taken to be spirits of wine within the meaning of this act; and if any question shall arise whether any spirits removed by any permit are *bona fide* such *British* brandy, rectified spirits, raw spirits, spirits of wine, or compounds, as are described and specified in the permit accompanying the same, or granted for the removal thereof, although such spirits should appear to have been kept in the officer's books, or account of the stock from which such spirits were removed, by the same name or description as is specified in such permit, the proof of such spirits being really and *bona fide* of the sort specified in such permit, shall be upon the owner or claimer thereof, by the oaths of two credible witnesses, being skilful and experienced persons competent to decide by examination thereof.

Proof of spirits removed, being such as described in the permit, to lie upon the owners.

Persons fraudulently making or possessing spirits, to forfeit their licences.

XLV. And be it further enacted by the authority aforesaid, That if any distiller, maker, rectifier, compounder, or retailer, or distillers, makers, rectifiers, compounders, or retailers of *British* or foreign spirits, or any dealer in *British* or foreign spirits, shall, after the first day of *February*, one thousand seven hundred and eighty-seven, be convicted of the offence of fraudulently making, or of having in his, her, or their possession, any spirits whatsoever, *British* or foreign, without having received a legal permit with the same; and it shall have

appeared in proof to the satisfaction of the commissioners of excise, or justices of the peace before whom such conviction shall be made, that the offence was knowingly and wilfully committed by the party convicted of the same, which fact of such offence being knowingly and wilfully committed shall be set forth in the record of such conviction; in every such case, the offender or offenders, (over and besides all other penalties incurred by law) shall forfeit and be debarred from all future benefit and advantage of his or their subsisting licence or licences for making, rectifying, or vending any spirits or other liquors; and if such offender shall be a maker, distiller, rectifier, or compounder of spirits, or wholesale dealer in spirits, his or her entry or entries, licence or licences for the making, rectifying, compounding, or vending of spirits, shall be void, and no new or fresh licence shall be granted to such person for the space of one month.

Regulations relative to the size of vessels for containing raw spirits, and times of rectified spirits being received.

XLVI. And be it further enacted by the authority aforesaid, That no maker, rectifier, or compounder, or makers, rectifiers, or compounders of spirits, shall receive into his, her, or their custody or possession, any raw *British* spirits in any cask or vessel of a less size or content than that of one hundred gallons at the least; nor shall any distiller, rectifier, or compounder, or distillers, rectifiers, or compounders of spirits, nor any dealer or dealers in spirits, receive into his, her, or their custody or possession any *British* brandy, rectified *British* spirits, raw *British* spirits, *British* compounds, or spirits of wine, at any other time than between the hours herein-mentioned; (that is to say), from the twenty-fifth day of *March* to the twenty-ninth day of *September*, both inclusive, between the hours of five in the morning and seven in the evening, and from the thirtieth day of *September*, to the twenty-fourth day of *March*, both days inclusive, between the hours of seven in the morning and six in the evening; and when and so often as any raw *British* spirits shall be received in any cask or vessel of a less content or size than such as is before mentioned; or if any such distiller, rectifier, compounder, or dealer, or distillers, rectifiers, compounders, or dealers, shall so receive any *British* brandy, rectified *British* spirits, raw *British* spirits, *British* compounds, or spirits of wine, at any other time than is herein-before for that purpose limited, he, she, or they shall, for each and every such offence forfeit and lose the sum of fifty pounds; and all such *British* brandy, rectified *British* spirits, raw *British* spirits, *British* compounds, and spirits of wine, which shall be so received contrary to the prohibition herein-before in that behalf made and contained, together with the casks and vessels containing the same, and such *British* brandy, rectified *British* spirits, raw *British* spirits, *British* compounds, casks, and vessels, shall be forfeited and lost, and shall and may be seized by any officer or officers of excise.

Penalty on receiving spirits in improper casks, or at improper hours.

XLVII. *And whereas a manufacture of spirits, commonly called* Maidstone Geneva, *is established at* Maidstone, *in the county of* Kent,

Kent, *by* George Bishop *of that place, which manufacture is essentially different from any other manufacture of spirits in* Great Britain, *as well with respect to the quality of the liquor as to the process by which it is made: and whereas the said manufacture requires so large a proportion of wash to produce a given quantity of spirits, as to render it impossible to continue the said manufacture, if the rates of duties herein before prescribed by this act be collected on each gallon of wash*; be it therefore further enacted by the authority aforesaid, That, during the continuance of this act, there shall be paid by the said *George Bishop*, for every seventy-two gallons of wash which he shall produce from a weight of malt, or other corn, including the bran thereof, and not exceeding one hundred and twelve pounds, the sum of eighteen shillings, being at the rate of three-pence per gallon.

The manufacturer of Maidstone geneva to pay 18s. for every 72 gallons of wash made from not more than 112 lb. of corn.

XLVIII. And be it further enacted by the authority aforesaid, That for every one hundred and twelve pounds weight of malt, or other corn, before the same is separated from the bran thereof, so used by the said *George Bishop*, he shall be allowed a credit, in the books of the proper officer or officers of excise, of not more than eight gallons of spirits, at the strength of one in seven under hydrometer proof.

For every 112 lb. of corn, a credit to be allowed of eight gallons of spirits of one in seven under hydrometer proof.

XLIX. And be it further enacted by the authority aforesaid, That the said *George Bishop* shall not sell or send out any spirits whatsoever, of a greater degree of strength than that of one in seven under hydrometer proof; and if the said *George Bishop* shall sell or send out any spirits whatsoever, contrary to the true intent and meaning of this act, such spirits, together with the casks and vessels containing the same, and the horses, cattle, carts, and carriages made use of in the removal thereof, shall be forfeited and lost, and shall and may be seized by any officer or officers of excise.

If spirits be stronger than one to seven under hydrometer proof, they are forfeited.

L. And be it further enacted by the authority aforesaid, That if on casting up the stock of the said *George Bishop*, the officer of excise shall find the quantity of spirits contained in such stock, to exceed the quantity for which the said *George Bishop* is entitled to credit, at the strength of one in seven under hydrometer proof, after deducting and allowing for the quantity of spirits for which permits shall have been granted to the said *George Bishop*, then, and in every such case, the excess found shall be forfeited and lost, and shall and may be seized by any officer or officers of excise.

Undue excess of stock to be forfeited.

LI. And be it further enacted by the authority aforesaid, That before the said *George Bishop* shall make use of any malt or corn, for the purpose of making any wort or wash, he shall give twelve hours notice in writing to the proper officer of excise, of his intention to use the same, in order that the said officer may attend to weigh such malt or corn; and if the said *George Bishop* shall neglect to give such notice as aforesaid, he shall, for every such neglect, forfeit and lose the sum of two hundred pounds.

Notice of making wort at the said manufactory to be given, on penalty of 200l.

LII. And

A still to be provided at the said manufactory, to enable the officer to ascertain the strength of wash.

LII. And be it further enacted by the authority aforesaid, That for the purpose of enabling the proper officer of excise to ascertain the strength of the wash on which the duty as aforesaid shall have been charged, the said *George Bishop* shall provide in his distillery house at *Maidstone* aforesaid, a small still with a worm and tub compleat, of a size sufficient to distill at one time twenty-four gallons of wash, and which quantity of wash such officer is hereby impowered to take and distill for the purpose aforesaid, when and as often as he shall think fit; and if twenty-four gallons of wash so distilled shall be found to produce more than two gallons and three fourth parts of a gallon of spirits, at the strength of one in seven under hydrometer proof, then the whole quantity of wash from which such twenty-four gallons were taken, shall be charged with a duty of one shilling per gallon.

Occupiers of houses, permitting stills to be set up without entry and licence, subject to the like penalties as unlicensed distillers.

LIII. And be it further enacted by the authority aforesaid, That if any person or persons actually occupying any house, whether he, she, or they be the owner or renter, or owners or renters thereof, or not, shall knowingly permit any private back or still to be set up or used in any part of such house, or in any building thereto belonging, by any person or persons whomsoever for the making of wort, wash, or other liquor for distillation, or of any low wines or spirits, without a due entry being previously made thereof at the proper office of excise, or without having taken out a legal licence for that purpose, such occupier shall incur and be subject to the same pains and penalties as are by law directed to be inflicted on persons actually using any such back or still.

Retailers of spirits to forfeit 200*l.* if they have any share of any distillery.

LIV. And be it enacted by the authority aforesaid, That no person licensed to sell brandy or other spirits by retail, or selling brandy or other spirits by retail, shall be the proprietor or owner of any distillery or rectifying house, or have any part or share in any distillery or rectifying house, or be in any manner concerned in the trade or business of a distiller, rectifier, or compounder of spirits; and if any such person so licensed, or so selling brandy, rum, or other spirits, by retail, shall be the proprietor or owner of any distillery or rectifying house, or have any part or share in any distillery or rectifying house, or be in any manner concerned in the trade or business of a distiller, rectifier, or compounder of spirits, such person shall, for every such offence, forfeit and lose the sum of two hundred pounds.

Vinegar-makers not to carry on in the same premises a distillery.

LV. *And whereas great frauds have been committed by persons carrying on in the same premises the joint business of a vinegar-maker from melasses or sugar, and distiller of spirits from wash or wort made from melasses or sugar, or the joint business of a vinegar-maker from melasses or sugar, and a rectifier or compounder of spirits; for the preventing thereof in future*, be it further enacted, That, from and after the first day of *February*, one thousand seven hundred and eighty-seven, it shall not be lawful for any person carrying on the trade or business of a vinegar-maker from melasses

lasses or sugar, or from any other materials, except malt or corn, to carry on, either alone or in partnership, the trade or business of a distiller, or maker or rectifier of spirits, in the buildings or premises in which such person shall carry on the trade of a vinegar-maker from any other materials than malt or corn, or within the distance of two miles thereof, and that all entries made for the carrying on the trade or business of a distiller, or maker or rectifier of spirits, contrary hereto, shall be null and void.

From Aug. 1, 1786, all entries of vinegar-makers to be void, unless therein be expressed the materials from which the vinegar is made.

LVI. And be it further enacted by the authority aforesaid, That before any person or persons shall be intitled, after the first day of *August*, one thousand seven hundred and eighty-six, to carry on the trade of a vinegar-maker, he, she, or they shall make an entry with the proper officer of excise of the brewhouse, buildings, yard, or place for the carrying on such trade, and that in such and all future entries made by any vinegar-maker or vinegar-makers, it shall be declared and specified whether he, she, or they be a maker or makers of vinegar from malt or corn, or from melasses or sugar, or from any and what other materials; and that every entry not conformable thereto shall be void; and that all entries made by vinegar-makers on or before the said first day of *August*, one thousand seven hundred and eighty-six, shall, from and immediately after that day, become void, and be no longer in force.

No mixed spirits to be sent out in a greater quantity than four gallons, on penalty of 50*l*.

LVII. And be it further enacted by the authority aforesaid, That no person or persons whatsoever shall sell or send out any *British* spirits mixed with foreign spirits from their warehouses, storehouses, rooms, shops, cellars, vaults, sheds, or other places to him, her, or them belonging, in any greater quantity than four gallons, upon pain of forfeiting, for every such offence, the sum of fifty pounds.

If more than 60 gallons of foreign spirits be brought to London at once, except in commerce, to be forfeited.

LVIII. And be it further enacted by the authority aforesaid, That no foreign brandy, rum, arrack, or other foreign spirits or strong waters, exceeding the quantity of sixty gallons, shall be brought within the limits of the chief office of excise in *London*, by one permit, or by one conveyance, at one and the same time, from any other part of *England*, or from *Wales*, or *Berwick upon Tweed*, either by land or water, save and except only by the way of *Gravesend*, to the port of *London*, in the legal and ordinary course of commerce, on pain of being seized and forfeited.

After Oct. 1, 1786, ships bringing spirits in casks of less than 100 gallons, (except rum or arrack), to be forfeited and the liquor.

LIX. And be it further enacted by the authority aforesaid, That, from and after the first day of *October*, one thousand seven hundred and eighty-six, no foreign spirituous liquors whatever (except rum of the growth or produce of the *British* plantations, and arrack) shall be imported or brought into *Great Britain*, or into any port, harbour, haven, or creek thereof, in any vessel or cask which shall contain less than one hundred gallons at the least (excepting only for the use of the seamen then belonging to and on board the ship or vessel in which the same shall be imported, not exceeding two gallons

for

for each seaman), upon pain of forfeiting such foreign spirituous liquors, and also the ship or vessel in which the same shall be so imported, of whatever burthen the same may be, with all her guns, furniture, ammunition, tackle, and apparel.

LX. And be it further enacted by the authority aforesaid, That, from and after the first day of *November*, one thousand seven hundred and eighty-six, no person or persons whatsoever shall import into the kingdom of *Great Britain* any foreign brandy, arrack, rum, spirits, or strong waters whatsoever, of a greater or higher degree of strength than that of one to nine over hydrometer proof; and if any foreign brandy, arrack, rum, spirits, or strong waters, shall be imported of any greater or higher degree of strength than as aforesaid, the same shall be forfeited and lost, together with the casks and packages containing the same, and shall and may be seized by any officer or officers of the customs or excise: provided always, That nothing herein-before contained shall extend, or be deemed or construed to extend, to the forfeiture of any rum, or spirits of the growth, produce and manufacture of the *British* sugar plantations, for being imported into this kingdom, of any greater degree than that of one to nine over hydrometer proof.

After Nov. 1, 1786, spirits imported stronger than one to nine over hydrometer proof (except from British plantations) to be forfeited.

LXI. *And whereas the quantities of wort, wash, or other liquor, produced to the officers of excise at several distilleries taken for a given time, have occasionally fallen short of the quantities which the stills and utensils belonging to such distilleries were, according to the ordinary course of distillation, capable of working within the same given time, and there is reason to suspect that considerable quantities of wort, wash, and other liquor, have been fraudulently worked at such distilleries, in prejudice of his Majesty's revenue, and to the manifest injury of the fair trader; for remedy whereof*, be it enacted, That, from and after the first day of *August*, one thousand seven hundred and eighty-six, every entered wash still, belonging to any distiller or distillers, or maker or makers of spirits from malt or corn, for home consumption, during the time the same shall be worked, shall be presumed to have been charged with wash, in the proportion of three parts in four of the content or capacity of such still, including the head thereof, according to the average rates herein-after expressed and specified; (that is to say), For such time or times as such wash still shall be worked betwixt the fifteenth day of *November* inclusive, in any one year, and the fifteenth day of *May* exclusive, in the next succeeding year, every such wash still shall be presumed to have been charged as aforesaid at the average rate of five times in every week; and for such time or times as the same shall be worked betwixt the fifteenth day of *May* inclusive, in any one year, and the fifteenth day of *November* exclusive, in the same year, every such wash still shall be presumed to have been charged as aforesaid at the average rate of four times in every week.

Quantities of wort with which stills are to be presumed to be charged, during the time of working, etc.

No entry to be withdrawn after a still shall have begun working, in less than three months.

LXII. And be it further enacted, That, from and after the said first day of *August*, every such wash still, after the working thereof shall have commenced and been begun, shall be presumed to be kept regularly in work for the space of three calendar months successively, at the least, to be computed from the day of the actual working thereof; and no person or persons who shall have begun to work any wash still shall be at liberty to discontinue or withdraw the entry of any such still after the working thereof shall have commenced and been begun, until the expiration of the said term of three calendar months, to be computed as aforesaid.

After three months, entries may be withdrawn on giving notice.

LXIII. Provided always, and be it further enacted, That when the owner or owners of any wash still shall be inclined to discontinue working the same, such owner or owners shall be at liberty so to do at any time after the end and expiration of the said three calendar months, to be computed as aforesaid, upon giving notice in writing, four days at least, to the officer of the district or place, of such his, her, or their intention, and expressing in such notice the day on which the working of such still is intended to be discontinued.

Commissioners of excise may grant relief where the presumed charges of duty exceed the actual quantity of wash.

LXIV. Provided also, and be it further enacted, That if it shall at any time be made appear, by sufficient proof upon oath, to the satisfaction of the commissioners of excise, the sufficiency of such proof being left to the judgement of the said commissioners, that the difference or excess in the amount of the presumptive charges of the still, beyond the quantity of wort, wash, or other liquor, actually produced to the sight of the officer was occasioned or shall have arisen by unavoidable necessity, and that all the wort, wash, and other liquor worked off at such wash still, was *bona fide* produced to the sight of the officer; then, and in every such case, it shall be lawful for the commissioners of excise, and they are hereby required to grant to the owner or owners of such wash still such relief as shall in their judgement be reasonable and just.

No stills that have discontinued working to recommence without giving notice, on penalty of 200l.

LXV. And be it further enacted, That when and so often as the owner or owners of any such stills who shall have discontinued working the same in the manner aforesaid, shall be inclined to recommence the working thereof, such owner or owners shall signify such his, her, or their intention to the officer of excise by notice in writing, four days at the least next antecedently to the day whereon such working is intended to be renewed, (which day shall be specified in such notice); and if any such owner or owners, or other person or persons, shall recommence such working without such notice being given as is herein before directed, he, she, or they, shall forfeit and lose the sum of two hundred pounds.

Regulations with regard to seizures made

LXVI. And be it further enacted by the authority aforesaid, That all arrack and rum, and all home made and foreign brandy, compounds, and other spirits of what kind soever, which, between the tenth day of *October*, one thousand seven hundred

hundred and eighty-four, and the fifth day of *July*, one thousand seven hundred and eighty-six, have been, or may be, seized and condemned, and are now remaining in his Majesty's warehouses, or may be deposited therein previous to the said fifth day of *July*, and which were, by the said act, made in the twenty-fourth year of his said Majesty's reign, directed to be staved and destroyed, shall be valued by such persons, and in such manner and form, as the respective commissioners of the customs in *England* and *Scotland*, or the major part of them, respectively, in cases of seizures made by the officers of the customs, and as the respective commissioners of excise in *England* and *Scotland*, or the major part of them respectively, in cases of seizures made by the officers of excise, shall direct; and that after such valuation, the same, or any part thereof, shall, at the discretion of the said respective commissioners, or the major part of them respectively, be either staved and destroyed, except in such cases where it shall appear, to the said respective commissioners of the customs and excise in *England* and *Scotland* respectively, or the major part of them respectively, that such condemned spirits are proper to be disposed of to or for any of the uses or purposes herein-after mentioned; that is to say, to or for the use of his Majesty's navy or army, or of the crews of ships or vessels employed in the service of the revenue of customs or excise, or of his Majesty's garrisons abroad, or for exportation to foreign parts, or for consumption on board of any ships or vessels going upon foreign voyages, in which two last mentioned cases, the same shall be shipped under the like security for the due exportation or consumption thereof respectively as aforesaid, as is required in the case of spirits which may be lawfully exported or shipped for consumption on shipboard, and shall be subject to re-seizure and re-condemnation in case of being relanded; and the persons relanding the same shall be subject to the like pains and penalties as they respectively would have been subject to for the same in case such spirits had been made, or originally intended and shipped for exportation or for consumption on shipboard, as aforesaid: provided always, That whenever it shall be judged expedient by the said respective commissioners that such spirits shall be sold for any of the purposes before mentioned, the said commissioners shall, and they are hereby required respectively to certify the facts and circumstances of the seizure and condemnation of such spirits, and the quantity thereof, with their opinion to or for which of the uses or purposes herein-before mentioned the same may be properly applied, unto the lord high treasurer, or lords commissioners of the treasury, or any three of them for the time being, who is and are hereby authorised and impowered, from time to time, to make such orders for the application or disposal thereof, to or for any of the said purposes, as they in their judgement shall think fit. between Oct. 10, 1784, and July 5, 1786.

LXVII. And be it further enacted by the authority aforesaid, That upon the officer or officers who shall have seized any Officers who have made such seizures

to receive the following sums, viz.

any such arrack, rum, brandy, compounds, or other spirits, producing a satisfactory certificate or proof of the condemnation and valuation thereof, and of the securing the same as aforesaid, unto the said respective commissioners, the said respective commissioners are hereby authorised and required to direct the receiver-general of the customs, or the proper officers of excise, as the case may be, to pay to such officer, within twenty days after producing such certificate, out of any of the duties in their respective receipt or collection, the several sums following; (that is to say),

For every gallon of arrack, French brandy, &c. of the strength of one to ten over hydrometer proof, 2s 6d.

For every gallon of arrack, cordials, or *French* brandy, of the strength of one to ten over hydrometer proof, and so in proportion for any higher or lower degree of strength, the sum of two shillings and sixpence:

For every gallon of other foreign brandy, or of foreign geneva, or rum, in proportion to the strength thereof as aforesaid, the sum of two shillings and two-pence:

For every gallon of other foreign brandy, etc. in proportion to its strength, 2s. 2d.

And for every gallon of other spirits, *British* or foreign, of what kind soever, in proportion to the strength thereof as aforesaid, the sum of two shillings.

For every gallon of other spirits, 2s.

Which said sums shall be in lieu and satisfaction of all other rewards whatsoever (the charges of seizure, removal, and condemnation, only excepted), any law, statute, or usage, to the contrary notwithstanding.

Duties to be levied as former duties, and to be paid into the exchequer.

LXVIII. And be it further enacted by the authority aforesaid, That all the monies arising from the said rates and duties hereby imposed, shall, from time to time, be raised, levied, collected, and paid, at such time and times as the aforesaid duties upon low wines and spirits, made for home consumption, and hereby discontinued, have usually been, or ought to have been, or are directed to be raised, levied, collected, or paid; and that all the monies whatsoever arising from the rates and duties hereby imposed, shall be paid into the receipt of the exchequer by the commissioners of excise, and shall be appropriated and applied in manner following; that is to say, Five sixth parts thereof, to and for the several and the same uses and purposes as the said rates and duties on low wines and spirits hereby discontinued, were by the several acts for granting, imposing, and appropriating the same, directed to be appropriated and applied respectively; and the remaining part thereof shall be carried to and made part of the fund, commonly called *The Sinking Fund*, and shall be applicable to the same uses and purposes as the said sinking fund is now applicable unto.

Appropriation of duties.

Provisions of former acts extended to this.

LXIX. And be it further enacted by the authority aforesaid, That all the powers, authorities, methods, rules, directions, regulations, penalties, forfeitures, provisions, clauses, matters, and things, which in or by any act or acts of parliament relating to the duties upon low wines and spirits for home consumption, or to his Majesty's duties of excise upon spirituous liquors

liquors or strong waters, in force at the time of passing of the said act, made in the twenty-fourth year of his said Majesty's reign, are contained, provided, settled, or established, for managing, assessing, raising, levying, collecting, recovering, adjudging, mitigating, ascertaining, enforcing, or securing the rates or duties thereby imposed, and for preventing, detecting, and punishing frauds relating thereto, not being expressly altered, repealed, changed or controlled by this act, or not being repugnant to any of the matters, clauses, provisions, or regulations in this act contained, shall be and continue in full force, and be duly observed, practised, applied, used, and put in execution throughout *England*, in and for the managing, assessing, raising, levying, collecting, recovering, adjudging, mitigating, ascertaining, enforcing, and securing the said several duties by this act imposed, and for preventing, detecting, and punishing frauds relating thereto, as fully and effectually, to all intents and purposes, as if all and every the said powers, authorities, methods, rules, directions, regulations, penalties, forfeitures, provisions, clauses, matters, and things, had been expressly inserted and re-enacted in this act.

General issue.

LXX. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons, for any matter or thing done by any officer or officers of the customs or excise, or any others acting in his or their aid, in the execution of, or by reason of his or their office, under the authority, or by colour of this act, such action or suit shall be brought or commenced within three months next after the cause of action shall have arisen, and not afterwards, and shall be laid in the county or place where the facts were committed, and not in any other county or place, unless otherwise directed by the special rule or order of the court wherein such action shall be depending, and the defendant or defendants shall and may plead the general issue, and give the special matter in evidence at any trial to be had thereupon; and if the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or suit, or if, upon a verdict or demurrer, judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have such remedies for the same as any defendant or defendants can or may have in other cases.

Persons obstructing officers in their duty, to forfeit 200l.

LXXI. And be it further enacted by the authority aforesaid, That if any distiller or maker, or distillers or makers, of low wines or spirits, or rectifier or compounder, or rectifiers or compounders of, or dealer or dealers in, spirits or strong waters, or any workman or servant belonging to him, her, or them, shall obstruct or assault, resist, oppose, molest, or hinder any officer or officers of excise in the due execution of the several powers and authorities given or granted to such officer or officers by this or any other act now in force, relating to distillers, rectifiers, or compounders of spirits, or to dealers in spirits or strong waters, every such distiller or maker, rectifier, compounder,

pounder, or dealer shall, except in such cases for which any other penalty or penalties are herein-before directed, forfeit and lose, for every such offence, the sum of two hundred pounds.

How penalties are to be recovered and applied.

LXXII. And be it further enacted by the authority aforesaid, That all penalties and forfeitures imposed by this act shall be sued for, recovered, levied, and mitigated, by such ways, means, or methods, as any fine, penalty, or forfeiture, is or may be sued for, recovered, or levied, or mitigated, by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him, her or them who shall discover, inform, or sue for the same.

Persons sued for penalties under this act, not liable to the penalties of former acts, &c.

LXXIII. Provided always, and be it further enacted, That no person, who shall be sued or prosecuted for any of the penalties or forfeitures imposed by this act, shall be liable to any penalty or forfeiture imposed for the same offence by any former act; nor shall any person who shall be sued or prosecuted for any penalty or forfeiture imposed by any former act, be liable to any penalty or forfeiture imposed for the same offence by this present act.

Act to continue in force for 2 years, from Aug. 1, 1786.

LXXIV. And be it further enacted by the authority aforesaid, That this act shall commence and take effect, as to all such matters and things therein contained, in respect whereof no special commencement is hereby directed or provided, from and immediately after the first day of *August*, one thousand seven hundred and eighty-six, and shall remain and continue in force, as to all such matters and things therein contained, in respect whereof it is not hereby otherwise directed, for the space of two years, to be computed from that day.

Act 24 Geo. 3. c. 46. repealed, except such parts as relate to lands of Ferintosh, arrears of duties, and penalties.

LXXV. And be it further enacted by the authority aforesaid, That the said act made in the said twenty-fourth year of the reign of his present Majesty, other than and except so much and such parts thereof as vest in his Majesty, or relate to or concern the duties of excise within the lands of *Ferintosh*, in the county of *Inverness*, or regard an exemption from the payment thereof, or the making of any contract, agreement, or trial, thereby authorised in respect to the said duties or exemptions; and also other than and except in respect to the arrears of any of the rates and duties in and by the said last-mentioned act charged, granted, or imposed, and which, at the commencement of this act, shall remain due and unpaid, or to any penalty or forfeiture, or penalties or forfeitures, incurred in respect thereof, or under or by virtue of the said act; and also except so far as the said last-mentioned act is not already repealed by any other act of the present session of parliament, shall be, and the same is, from and after the commencement of this act, repealed.

Act 19 Geo. 3. c. 25; and

LXXVI. *And whereas by an act made in the nineteenth year of the reign of his present Majesty, (intituled,* An act for granting to his Majesty additional duties on the produce of the several duties under the management of the respective commissioners of the

the customs and excise in *Great Britain*), *an additional impost or duty, after the rate of five pounds* per centum, *was granted upon the produce and amount of all the several subsides, imposts, and other duties, of what kind or nature soever they might be, which were then due and payable to his Majesty, and were collected in this kingdom, under the management and direction of the respective commissioners of the customs in* Great Britain, *for and upon any goods and merchandizes imported into or exported from, or carried coastwise into* Great Britain; *which said additional impost or duty was charged upon the amount of the said former subsides, imposts, and other duties, after the usual discounts and other allowances had been made and deducted therefrom; and also an additional duty or charge of five pounds* per centum *was granted to his Majesty, upon the produce and amount of all the several inland duties, rates, impositions, and charges, (except as therein after is excepted), then payable to his Majesty, and which were charged and collected under the management of the respective commissioners in* England *and* Scotland: *and whereas by another act, made in the twentieth year of his Majesty's reign, (intituled,* An act for granting to his Majesty additional duties upon malt, and upon low wines and spirits made for home consumption, and upon foreign spirits imported into *Great Britain,* and upon the produce of the said several duties; and for granting a duty on licences to be taken out by all persons trading in, vending, or selling of, coffee, tea, or chocolate), *further rates and duties were granted and imposed, amongst other things, upon spirits imported into* Great Britain, *from parts beyond the seas, over and above all duties, charges, and impositions by any former act or acts of parliament thereupon set or imposed: and whereas by another act, made in the twenty-first year of his said Majesty's reign, (intituled,* An act for granting to his Majesty an additional duty upon the produce of the several duties under the management of the respective commissioners of the excise in *Great Britain), a further additional duty or charge of five pounds* per centum *was granted and imposed upon the produce and amount of all the several inland duties, rates, impositions, and charges, (except as therein is excepted), then payable to his Majesty, and which were charged and collected under the management of the respective commissioners of excise in* England *and* Scotland: *and whereas by another act, made in the twenty-second year of his said Majesty's reign, (intituled* An act for granting to his Majesty additional duties upon the produce of the several duties under the management of the respective commissioners of the customs and excise in *Great Britain), a further additional duty or charge of five pounds* per centum *was granted to his Majesty upon the produce and amount of all the several inland duties, rates, impositions, and charges, (except as therein is excepted), then payable to his Majesty, and which were charged and collected under the management of the respective commissioners of excise in* England *and* Scotland: *and whereas it is expedient to suspend the several additional imposts, rates, and duties by the said several acts made in the nineteenth, twentieth, twenty-first, and twenty-second years of his said Majesty's reign, imposed upon rum and upon other spirits imported into* Great Britain *from his Majesty's sugar*

act 20 Geo. 3. c. 5; and

act 21 Geo. c. 17; and

act 22 Geo 3. c. 68. recited;

and the additional duties thereby imposed on rum and spirits from the West Indies, suspended for 2 years.

sugar plantations in the West Indies, be it therefore enacted, That the several additional rates and duties in and by the said acts of the twentieth of his present Majesty's reign, granted and imposed upon rum and spirits imported into *Great Britain*, being the produce, production, and manufacture of the *British* sugar islands, or sugar plantations, in the *West Indies*; and also the several and respective additional imposts, duties, or charges, after the rate of five pounds *per centum*, imposed and granted in and by the aforesaid three several acts, made in the nineteenth, twenty-first, and twenty-second years of his Majesty's reign, upon rum and spirits of the growth, produce, and manufacture aforesaid, imported into this kingdom; and all penalties and forfeitures in respect of the said additional imposts, duties, or charges thereby imposed upon the rum and spirits aforesaid respectively, shall be, and the same are hereby suspended for the term of two years, to be computed from the fifth day of *July*, one thousand seven hundred and eighty-six; but that such suspension shall not extend to or affect any of the arrears of the said additional imposts, rates, or duties, or any of them, now remaining due and unpaid, or any penalty or forfeiture, or penalties or forfeitures, incurred in respect thereof.

FORM of the ENTRY:

For a *Corn Distiller*.

I *A. B.* of street, in the parish of distiller, do hereby revoke all former entries by me made, and do make entry of the under-mentioned utensils for preparing and distilling wash from corn and grain; *videlicet*;

One copper, for preparing and brewing worts.
One mash tun, for mashing grain.
One under back, for receiving worts from the mash tun.
Six coolers, for cooling worts.
One bub back, for making and keeping bub.
Ten wash backs, for fermenting and keeping wash.
One jack back, for receiving wash from the wash backs to be pumped into the wash still.
One still for distilling wash into low wines.
One still for distilling low wines into spirits.
One low wine cask, for receiving low wines from the wash still.
One spirit cask, for receiving spirits from the low wine still; and one feint cask, for receiving and keeping feints.

All these utensils are situate in my distill house in street aforesaid, and this entry is for home consumption, *(or* exportation, *as the case may require)*.

Witness

Witness my hand, this day of
One thousand

A. B.

Witness
C. D.
E. F.

For a *Malasses Distiller, Rectifier,* or *Compounder.*

I *A. B.* of street, in the parish of distiller, do hereby revoke all entries by me made, and do make entry of the under-mentioned utensils for preparing, fermenting, and distilling wash from melasses or sugar; *videlicet*;

Fourteen wash backs, for fermenting and keeping wash.
One jack back, for receiving wash from the wash backs to be pumped into the wash still.

Four stills for distilling; *videlicet*;
One of those stills for distilling wash into low wines.
Another still for distilling low wines into spirits.
Also all the four stills for rectifying and compounding spirits.
One low wine cask, for receiving low wines from the wash still.
One spirit cask, for receiving spirits from the low wines still; and one feint cask, for receiving and keeping feints.

All these utensils are situate in my distill house in street aforesaid, and this entry is for home consumption *(or* exportation, *as the case may require)*

Witness my hand, this day of 178
A. B.

Witness
C. D.
E. F.

CAP. LXXIV.

An act for granting to his Majesty additional duties upon sweets, and for ascertaining the duties upon licences to be taken out by persons dealing in sweets.

From July 15, 1786, an additional duty of 6s. per barrel to be paid for sweets made from foreign fruit or sugar, or mixed with any other ingredients called Sweets or Made Wines. Additional duties to be paid as former duties are. Additional duty to be chargeable with the five per cents. &c. granted by act 19 Geo. 3. c. 25; and act 21 Geo. 3. c. 17; and act 22 Geo. 3. c. 66. Duties to be paid to the commissioners of excise and by them into the exchequer weekly, and carried to the sinking fund. Act 9 Annæ, c. 23; and act 30 Geo. 2. c. 19; and act 31 Geo. 2. c. 31. recited. From July 5, 1786, licences for selling sweets by retail may be granted to persons not having a spirituous liquor or ale licence, on a stamp of 2l. 4s. each. Former provisions relating to stamps on wine licences extended to this act, where not hereby altered. Licences

cences to contain, and dealers to exhibit on their houses, the words Dealer in British Wines. Licence duties to be applied as former wine licence duties are.

CAP. LXXV.

An act for appointing commissioners to enquire into the losses of all such persons who have suffered in their properties, in consequence of the cession of the province of East Florida *to the king of* Spain.

Preamble. WHEREAS *by the fifth article of the definitive treaty of peace, concluded at* Versailles, *on the third day of* September, *one thousand seven hundred and eighty-three, between your Majesty and his most catholick majesty the King of* Spain, *it was agreed that the province of* East Florida, *which was, at the time of concluding such treaty, in your Majesty's allegiance, should be ceded and guarantied in full right to his most catholick Majesty: and whereas divers of your Majesty's faithful subjects have suffered in their rights and properties in consequence of such cession, and have sustained great losses thereby, your faithful commons, being desirous that a diligent and impartial enquiry should be made into the losses of such persons as may apply in the manner and within the time herein-after mentioned, and into such circumstances as may be material to their respective claims, do therefore pray your majesty that it may be enacted*; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same,

Commissioners appointed to enquire into losses, That colonel *Nesbit Balfour*, and *John Spranger* esquire, shall be, and they are hereby constituted commissioners for enquiring into the respective losses of all such persons who have suffered in their rights and properties, in consequence of the cession of the said province, and into such circumstances as may be material to their respective claims.

and to take the following oath. II. And be it further enacted, That the commissioners in this act named, before they enter upon the execution of the same, shall take an oath before the master of the rolls for the time being, or one of his Majesty's justices of the court of king's bench, common pleas, or barons of the exchequer, (which they, or either of them, are hereby authorized and required to administer), in the form following; that is to say,

The oath. I A. B. *do swear, That, according to the best of my skill and knowledge, I will faithfully, impartially, and truly execute the several powers and trusts vested in me by an act, intituled,* An act for appointing commissioners to enquire into the losses of all such persons who have suffered in their properties, in consequence of the cession of the province of *East Florida* to the King of *Spain*, according to the tenor and purport of the said act.

Commissioners to examine persons upon oath. III. And be it further enacted, That it shall and may be lawful to and for the said commissioners, and they are hereby authorized, impowered, and required to examine, upon oath, (which

(which oath they are hereby authorised to administer), all persons whom the said commissioners shall think fit to examine, touching all such matters and things as shall be necessary for the execution of the powers vested in the said commissioners by this act, and all such persons are hereby directed and required punctually to attend the said commissioners at such time or place as they shall appoint.

Commissioners to meet at the office of the late secretary of state, to issue precepts for attendance of persons appointed clerks, &c.

IV. And be it enacted by the authority aforesaid, That the said commissioners are hereby authorised to meet and sit, from time to time, at the office of the late secretary of state, or any other place, with or without adjournment, and to send their precept or precepts, under their hands and seals, for any person or persons whatsoever, and for such books, papers, writings or records, as they shall judge necessary for their information in the execution of the powers vested in the said commissioners by this act; and the said commissioners are hereby authorised to appoint and employ such clerks, messengers, and officers, as they shall think meet, which clerks and officers are hereby required faithfully to execute and perform the trust in them severally and respectively reposed, without taking any thing for such their service, other than such salary or rewards as the said commissioners shall think fit to direct and appoint in that behalf.

To report to the treasury fraudulent claims, which shall exclude the party from any compensation whatever.

V. And be it enacted by the authority aforesaid, That if it shall appear to the said commissioners that any person shall have delivered to them an account or claim beyond the real loss, with a fraudulent intent to obtain more than a just compensation, the said commissioners shall, with all convenient dispatch, report such account or claim, with the evidence taken thereupon, to the commissioners of his Majesty's treasury, who are hereby authorised to make such further enquiry upon the case as they shall think proper; and if they, or any three of them, shall be of opinion that such account or claim is fraudulent, then such person shall be absolutely excluded from any compensation or provision whatsoever.

Persons giving false evidence to be deemed guilty of corrupt perjury.

VI. And be it further enacted by the authority aforesaid, That in case any person or persons, upon examination upon oath before the said commissioners respectively as before mentioned, shall wilfully and corruptly give false evidence, every such person or persons so offending, and being thereof duly convicted, shall be, and is and are hereby declared to be subject and liable to such pains and penalties as by any law now in being persons convicted of wilful and corrupt perjury are subject and liable to.

Governors, &c. of the

VII. *And whereas several proprietors of* East Florida, *and the agents of several other proprietors of the said province, respectively intitled to the benefit of this act, are resident in the* Bahama Islands, *and other of his Majesty's colonies in* America: *and whereas it may be attended with great inconvenience to such persons to come to* Great Britain *to substantiate their respective claims, or to give their evidence in support of the claims of other proprietors for whom they have acted as agents*, be it therefore enacted, That the governor, lieutenant

Bahama iſlands, or Britiſh colonies in America, to examine into the loſſes of reſident parties, and to report thereupon to the commiſſioners.

lieutenant governor, or commander in chief, and council, for the time being, of any ſuch iſland or colony, ſhall, and they are hereby directed and required to enquire into the loſſes of all and every ſuch perſon or perſons, and to examine all and every ſuch agent or agents as may repair to them for that purpoſe upon oath, which oath the ſaid governor, lieutenant governor, or commander in chief, or any member of the council for the time being, is hereby authoriſed and impowered to adminiſter; and ſuch governor, lieutenant governor, or commander in chief, and council, for the time being, are hereby inveſted with the ſame powers and authorities for enquiring into ſuch claims as the commiſſioners appointed by this act are inveſted with, and they are hereby directed to proceed immediately on all and every ſuch claim or claims, examination or examinations, when tendered to them, and to report from time to time, by the firſt opportunity in their power, their opinion or opinions on all and every ſuch claim or claims, with the evidence on which ſuch opinion or opinions was or were formed, and alſo to report, from time to time, the evidence of all and every ſuch agent or agents to the commiſſioners appointed by this act, in order that all and every ſuch claim or claims may be ultimately judged of and decided upon by ſuch commiſſioners, and be inſerted by them amongſt the claims to be laid before the lords commiſſioners of the treaſury, or the lord high treaſurer, for the time being, and his Majeſty's ſecretaries of ſtate.

Perſons giving falſe evidence before the governor, &c. to be deemed guilty of perjury.

VIII. And be it further enacted by the authority aforeſaid, That in caſe any perſon or perſons, upon examination upon oath before the ſaid governor, lieutenant governor, or commander in chief, and council, for the time being, as before mentioned, ſhall wilfully and corruptly give falſe evidence, every ſuch perſon or perſons ſo offending, and being thereof duly convicted, ſhall be, and is and are hereby declared to be ſubject and liable to ſuch pains and penalties as by any law now in being perſons convicted of wilful and corrupt perjury are ſubject and liable to.

No claim to be received in Britain after Jan. 1, nor in the Bahama Iſlands, &c. after March 1, 1787.

IX. And be it further enacted, That no claim or requeſt of any perſon or perſons for aid or relief, on account of the loſs of any property in conſequence of ſuch ceſſion, ſhall be received, in *Great Britain*, after the firſt day of *January*, one thouſand ſeven hundred and eighty-ſeven, or in the *Bahama Iſlands*, or any other of his Majeſty's colonies in *America*, after the firſt day of *March*, one thouſand ſeven hundred and eighty-ſeven.

Commiſſioners to give an account of their proceedings to the treaſury, and the ſecretaries of ſtate.

X. And be it further enacted, That the ſaid commiſſioners ſhall from time to time, at their diſcretion, or as often as they ſhall be thereunto required, and as ſoon as poſſible after the determination of their examinations and proceedings, by virtue of this act, without any further requiſition, give an account of their proceedings, in writing, to the lords commiſſioners of his Majeſty's treaſury, and to his Majeſty's principal ſecretaries of ſtate for the time being.

Treaſury may order 1,000l.

XI. And be it further enacted, That the lords commiſſioners of

of the treasury, or lord high treasurer, for the time being, are hereby authorised and required to issue, and cause to be paid, all such sums of money, not exceeding one thousand pounds, to such person or persons as the said commissioners shall by writing under their hands desire or direct, out of any part of the publick monies remaining in his Majesty's exchequer, which sum so issued and paid shall be employed for the payment of clerks, messengers, and other officers, and in defraying all other necessary charges in or about the execution of the powers of this act, and in such manner and in such proportions as shall be appointed by the said commissioners, by writing under their hands and seals in that behalf, the same to be accounted for by the person or persons to whom the same shall be issued and paid, according to the course of his Majesty's exchequer, without any fee or other charges to be taken on the passing of the said accounts, other than such sum as the said commissioners shall appoint. to be issued for payment of clerks, &c.

XII. And be it further enacted by the authority aforesaid, That in case of a vacancy or vacancies, by death or resignation, of any one or more of the said commissioners, it shall and may be lawful for his Majesty to nominate and appoint such person or persons as he may think proper, to supply such vacancy or vacancies, and that every person so nominated and appointed shall be held and considered to be invested with all and the same powers as are delegated to the commissioners appointed by this act. His Majesty to nominate commissioners as vacancies happen.

XIII. And be it further enacted, That this act shall continue in force for two years from the passing of this act, and no longer. Continuance of this act.

CAP. LXXVI.

An act for repealing so much of two acts, passed in the fourteenth and twenty-first years of the reign of his present Majesty, as prohibits the exportation of wool cards of a limited price.

14 Geo. 3. c. 71; and 21 Geo. 3. c. 37. recited. Such parts thereof, as prohibit the exportation of wool cards of 4s. per pair, and spinners' cards of the value of 1s. 6d. per pair, repealed.

CAP. LXXVII.

An act to limit a time for the repayment of the duties on male servants and carriages by the commissioners of excise; and also on horses, waggons, wains, and carts, by the commissioners of stamps; and for the amendment of several laws relating to the duties under the management of the commissioners of excise.

WHEREAS *by an act, made in the last session of parliament, (intituled,* An act to repeal the duties on male servants, and for granting new duties on male and female servants), *it was enacted, That all persons who, previously to the fifth day of* July, *one thousand seven hundred and eighty-five, should have paid duties on male servants, by that act repealed, for any part of the three quarters of a year for which the first assessment on male servants under that* Preamble. 25 Geo. 3. c. 43; and

act was thereby directed to be made, or their respective executors or administrators, should, after paying the said first assessment, have a right to receive back from the commissioners of excise, or any officer or officers appointed by them, out of any money which should have been paid into, or be in their hands, such a proportion of the repealed duties on male servants so already paid to the said commissioners of excise, or their officers, as should be necessary to prevent a double payment of the said duties, in respect of such male servants, for the said three quarters on the said first assessment, or for any part thereof: and whereas by another act, made in the last session of parliament, (intituled, An act for transferring the receipt and management of certain duties therein mentioned, from the commissioners of excise and the commissioners of stamps respectively, to the commissioners for the affairs of taxes; and also for making further provisions in respect to the said duties so transferred), *it was enacted, That all persons who, previously to the fifth day of* July, *one thousand seven hundred and eighty-five, should have paid the duties on carriages in that act mentioned in that behalf, for any part of the three quarters of a year for which the first assessments under that act were thereby directed to be made, should, after paying the said first assessments, have a right to receive back from the commissioners of excise, or any officer or officers appointed by them, out of any monies which should have been paid into, or be in their hands, such a proportion of the duties so already paid to the said commissioners of excise as should be necessary to prevent a double payment of the said duties for the said three quarters on the said first assessments, or for any part thereof: and whereas it is expedient that a limited time should be prescribed, within which, all and every repayment, in respect to the said duties on male servants, and on carriages, heretofore under the management of the commissioners of excise, shall be demanded:* be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That every person having a right, according to the acts aforesaid, or either of them, to any repayment in respect of the said duties on male servants, or of the said duties on carriages, heretofore under the management of the commissioners of excise, shall make demand of such repayment before the fifth day of *July*, one thousand seven hundred and eighty-seven, from the commissioners of excise, if such person demanding such repayment had before paid such respective duty at the chief office of excise in *London*, or from the collector of excise within whose collection such person demanding such repayment had before paid such respective duty; and that no repayment shall be made to any person or persons in respect of such duties on male servants, or of such duties on carriages, heretofore under the management of the commissioners of excise, that shall not be demanded as aforesaid before the said fifth day of *July*, one thousand seven hundred and eighty-seven.

25 Geo. 3. c. 47. recited in part.

No demands for repayment of duties, under the recited acts, to be satisfied, unless made to the excise before July 5, 1787.

II. *And whereas, by an act made in the twenty-third year of his present Majesty's reign,* (*intituled,* An act for granting to his Majesty

23 Geo. 3. c. 66; and

jesty several rates and duties upon waggons, wains, carts, and other such carriages, not charged with any duty under the management of the commissioners of excise), *it was enacted, That, from and after the first day of* November, *one thousand seven hundred and eighty-three, there should be paid unto his Majesty, his heirs and successors, certain duties therein mentioned: and whereas, by another act, made in the twenty-fourth year of his present Majesty,* for granting certain duties on horses kept for the purpose of riding, and on horses used in drawing certain carriages, in respect whereof any duty of excise is made payable, *it was enacted, That, from and after the twenty-ninth day of* September, *one thousand seven hundred and eighty-four, there should be paid unto his Majesty, his heirs and successors, certain duties therein mentioned; and the said two several duties were placed under the management of the commissioners of stamps: and whereas, by an act made in the last session of parliament,* (*intituled,* An act for transferring the receipt and management of certain duties therein mentioned from the commissioners of excise, and the commissioners of stamps, respectively, to the commissioners for the affairs of taxes; and also for making further provisions in respect to the said duties so transferred), *it was enacted, That all persons who, previously to the fifth day of* July, *or tenth day of* October, *one thousand seven hundred and eighty-five, should have paid the said duties on carriages, and on horses, in that act mentioned, for any part of the three quarters of a year for which the first assessments under that act were thereby directed to be made, should, after paying the said first assessments, have a right to receive back from the commissioners of stamps, or any officer or officers appointed by them, out of any monies which should have been paid into, or be in their hands, such a proportion of the duties so already paid to the said commissioners of stamps as should be necessary to prevent a double payment of the said duties for the said three quarters, or half year, on the said first assessments, or for any part thereof: and whereas it is expedient that a limited time should be prescribed, within which all and every repayment, in respect to the said recited duties under the management of the commissioners of stamps, shall be demanded*; be it therefore enacted, That every person having a right to any repayment, in respect of the said recited duties under the management of the commissioners of stamps, shall make demand of such repayment before the fifth day of *July*, one thousand seven hundred and eighty-seven, from the commissioners of stamps, if such person demanding such repayment had before paid such respective duty at the head office of stamps in *London*, or from the distributor of stamps, or their sub-distributors, in the several counties, districts, or divisions, within which such person demanding such repayment had before paid such respective duties, and that no repayment shall be made thereon that shall not be demanded, as aforesaid, before the said fifth day of *July*, one thousand seven hundred and eighty-seven.

24 Geo. 3. c. 31; and

25 Geo. 3. c. 47. recited in part.

No demand for repayment of duties, under the three last recited acts, to be satisfied, unless made to the stamp office before July 5, 1787.

III. *And whereas, by another act made in the seventeenth year of his present Majesty's reign,* (*intituled,* An act for granting to his Majesty a duty upon all servants retained or employed in the several

17 Geo. 3. c. 39. recited in part.

several capacities therein mentioned; and for repealing several rates and duties upon glass, imposed by an act made in the nineteenth year of the reign of his late Majesty, and for granting to his Majesty other rates and duties upon glass in lieu thereof, and for the better collecting the duties upon glass; and for repealing the several rates and duties charged, by an act made in the twenty-ninth year of the reign of his said late Majesty, upon all persons and bodies politick and corporate having certain quantities of silver plate); *certain drawbacks or allowances, in the said act particularly mentioned, were directed to be paid or allowed to the persons or their agents exporting the several and respective species of glass, in the said act particularly mentioned, to foreign parts by way of merchandize, in the manner, and under the regulations in and by the said act particularly prescribed: and whereas great inconvenience has arisen from the regulations prescribed in that act, for the obtaining the drawbacks or allowances, in the said act particularly mentioned, on the exportation of such glass to foreign parts by way of merchandize*; *for remedy whereof*, be it enacted by the authority aforesaid, That, from and after the first day of *August*, one thousand seven hundred and eighty-six, it shall be lawful for any person or persons who shall have actually paid all his Majesty's duties, by any act or acts of parliament payable for, or in respect of, any quantity of glass whatsoever made from any of the materials thereby respectively charged, and to and for any other person or persons who shall buy or be lawfully intitled to any such quantity of glass from the said person or persons who actually paid his Majesty's duties for the same, to export from any lawful quays, and in the lawful hours, any such glass, for which all the duties shall have been paid, to any foreign parts by way of merchandize, upon the terms, and according to the directions, herein-after mentioned, that is to say; the person or persons so intending to export any such glass, shall give twelve hours notice within the limits of the chief office of excise in *London*, and twenty-four hours notice in other places in *Great Britain*, of his, her, or their intention to pack up, in order to be exported, any such glass, and of the time and place when and where the same is intended to be packed up, to the officer or officers of excise, who shall be appointed for that purpose by the respective commissioners of excise in *England* and *Scotland*; and such officer or officers shall attend to see such glass packed up, and the same shall be packed up in the presence of such officer or officers, and shall be secured with such fastenings, and sealed with such seal or mark, or seals or marks, and in such manner, as the said respective commissioners shall direct; and if any person shall open such package, or wilfully destroy or deface such seal or mark, or seals or marks, (save and except the officer of excise at the port of exportation, as herein-after mentioned), every person so offending shall forfeit and lose the sum of twenty pounds for every such offence, and the officer or officers who saw the said glass packed up shall take an account of the kind and quantities of the said glass so intended to be exported,

From Aug 1, 1786, glass may be exported on the conditions herein specified.

Persons opening packages after being sealed by the officer, to forfeit 20l.

exported, and make a return thereof to the officer who shall be appointed by such commissioners, or the major part of them, to receive the same at the port of exportation, without any fee or reward for so doing: provided always, That if the person or persons, so intending to pack up such glass, shall not begin and proceed to pack up the same at the time mentioned in such notice, or within one hour after such time, then such notice shall be void; and such person or persons, so intending to pack up such glass, shall be obliged to give a fresh notice to such officer or officers, of the time and place when and where such glass is intended to be packed up in order to be exported; and the person or persons, so intending to export such glass, shall also give six hours notice of the time and place of shipping such glass, unto the officer of excise of the place where the same shall be shipped, who shall attend and see the same put on shipboard; and the exporter of the said glass shall also, before the shipping the same, give sufficient security, to be approved by the respective commissioners of excise, or any one or more of them, or the person appointed by them, or the major part of them respectively, for that purpose, in treble the value of the duty intended to be drawn back, that the particular quantity of glass so intended to be exported, and every part thereof, shall be shipped and exported, and shall not be unshipped, unloaded, or laid on land, or put on board any other ship or vessel in *Great Britain*, shipwreck, or other unavoidable accident, excepted; which security the officer of excise of the port where the said glass shall be exported is hereby directed to take, in his Majesty's name, and to his Majesty's use; and the said exporter shall make oath, that he believes the duties upon the materials whereof such glass is made had been fully paid, and that such glass is the same that is described in the account sent as aforesaid by the officer in whose presence the same was packed, to the officer attending the shipping (which oath the surveyor or supervisor, or other officer appointed by the said respective commissioners, or the major part of them, for that purpose, is hereby authorised to administer); and the said surveyor or supervisor, or other officer aforesaid, and the officer who attended the shipping the said glass, being satisfied of the truth thereof, shall, within one month after the exportation of the said glass, give to the exporter, or his, her, or their clerk or manager, a certificate or debenture, expressing the quantities and kinds of such glass so shipped, and that all the duties have been paid in respect of the same, and that security hath been given before the shipping the same, for the due exporting the same; and such certificate or debenture being produced to the collector of the port where the said glass was exported, he shall forthwith pay or allow the persons so exporting the same, or their agent, such drawback or allowance as by the said act, made in the seventeenth year of his present Majesty's reign, is given or allowed upon the exportation to foreign parts, by way of merchandize, of the several and respective species of glass in the said act mentioned; and if such collector

If packing is not begun in an hour after notice, a fresh notice must be given.

Notice also to be given of the time of shipping,

and security that the glass shall not be relanded in Britain, &c.

Certificate to be given by the officer, which is to entitle the exporter to the drawback.

lector shall not have money in his hands to pay the same, then the respective commissioners of excise in *England* or *Scotland* are required to pay the said drawback or allowance out of the duties upon materials used in the making glass.

Officers may examine packages.

IV. Provided always, That it shall be lawful for the officer attending the shipping such glass, if he thinks it necessary, to open or examine such glass at the port of exportation, in order that he may be satisfied that such glass is the same that is described in the account sent to him by the officer in whose presence the said glass was packed: provided also, That if after the shipping any such glass, and the giving such security as aforesaid, in order to obtain a drawback or allowance of the duties before paid in respect thereof, the same glass, or any part thereof, shall be unshipped, unladed, or laid on land, or put into any other ship or vessel within *Great Britain* (shipwreck, or other unavoidable accident, excepted), that then, and in every such case, over and above the penalty of the bond, which shall be levied and recovered to his Majesty's use, all the said glass which shall be so unshipped, unladed, or laid on land, or put into any other ship or vessel within *Great Britain* (shipwreck, or other unavoidable accident, excepted), or the value thereof, shall be forfeited, and may be seized by any officer of the customs or excise.

If glass be relanded, to be forfeited.

21 Geo. 3. c. 24, recited in part.

V. *And whereas by an act made in the twenty-first year of his present Majesty's reign, (intituled,* An act for repealing the present duties upon paper, pasteboards, millboards, and scaleboards, made in *Great Britain*, and for granting other duties in lieu thereof), *it was enacted, That the officer attending to charge the duties upon paper, should stamp or mark each and every ream and bundle of paper, by affixing thereon such mark, stamp, impression, or device, as the respective commissioners of excise should direct or appoint for that purpose: and whereas by the said act, a drawback of the duties, by the said act granted, is allowed upon the exportation of paper to any parts beyond the seas by way of merchandize: and whereas also by the said act it is provided, that if, after the shipping of any such paper, and the giving or tendering such security as is by the said act required, in order to obtain the drawback therein mentioned, the same, or any part thereof, should be relanded in any part of* Great Britain, *that then, and in every such case, over and above the penalty of the bond, which shall be recovered and levied to his Majesty's use, all the said paper which shall be so relanded, or the value thereof, should be forfeited: and whereas it might tend to prevent the relanding such paper in* Great Britain, *if the marks, stamps, impressions, or devices, denoting the charging the duties upon such paper, were to be taken off from every bundle or ream of paper intended to be exported before the same should be packed up in order to be exported*; be it therefore enacted by the authority aforesaid, That, from and after the first day of *August*, one thousand seven hundred and eighty-six, it shall be lawful for the officer of excise, who shall attend to see such paper packed up in order to be exported, and he is hereby required to take off, or cause to be

Stamps denoting payment of duties to be taken off pa-

be taken off, or to see taken off, all and every the marks, stamps, impressions, or devices affixed on every ream or bundle of such paper intended to be packed up in order to be exported, from every ream or bundle of such paper before the same is packed up in order to be exported; and if any person or persons shall wilfully hinder or obstruct such officer in the taking off, or causing to be taken off, any such mark, stamp, or impression, or device, or marks, stamps, impressions, or devices, from any ream or bundle of paper so intended to be packed up in order to be expored, he, she, or they so offending shall, for every such offence, forfeit and lose the sum of fifty pounds.

Person on exportation, and persons obstructing officers in taking them off, to forfeit 50l.

VI. *And whereas by another act, made in the last session of parliament, (intituled,* An act for repealing the duty imposed on tea by an act passed in the last session of parliament, and for granting other duties in lieu thereof; for repealing so much of several acts as relates to the removal of tea; for directing the officers of excise to examine and certify the exportation of exciseable commodities; and for better securing the duties on candles); *it was enacted, That every chandler or maker of candles, before he, she, or they should begin to work upon or make any course or making of candles whatsoever, should give to the officer of the division or place where such candles were intended to be made, notice in writing of the particular time and hour when he or she should intend to begin to spread cottons, wicks, or rushes, for any such course or making of candles; and also the hour and time when he or she should intend to begin to run in or dip any such cottons, wicks, or rushes, in such manner as is by the said act directed: and whereas chandlers do sometimes, after having given such notice as by the said act is required, and after beginning to spread cottons, wicks, or rushes, leave off and discontinue for long intervals of time to spread cottons, wicks, or rushes, for the same course or making of candles, and thereby not only harrass the officers of excise surveying such chanlders unnecessarily, but also get many opportunities of making candles privately and unknown to such officers, and thereby of defrauding his Majesty of his just duties; for remedy thereof,* be it enacted by the authority aforesaid, That, from and after the first day of *August*, one thousand seven hundred and eighty-six, when any chandler or maker of candles, after having given such notice as by the said act is required, shall have begun to spread cottons, wicks, or rushes, for any course or making of candles (other than mould candles), such chandler or maker of candles shall proceed and continue, without delay or interruption, to spread all the cottons, wicks, and rushes respectively intended to be used in the same course or making of candles, until he, she, or they shall have finished the spreading of all such cottons, wicks, and rushes respectively; and the hour and time for beginning to run in or dip such cottons, wicks, and rushes respectively, whereof such notice shall be given (as by the said act is required), shall not be more than five hours after the beginning to spread such cottons, wicks, and rushes respectively, whereof such notice shall be given as by the said act is required; and every chandler or maker of candles,

25 Geo. 3. c. 74. recited in part.

Chandlers having begun to spread wicks, must proceed till all for the course are finished, and must begin to dip, in five hours after beginning to spread.

candles, from and after the said first day of *August*, one thousand seven hundred and eighty-six, shall actually begin to run in or dip such cottons, wicks, and rushes within five hours after he, she, or they shall have begun to spread such cottons, wicks, or rushes, and shall continue to run in or dip such cottons, wicks, and rushes respectively, after he, she, or they shall have so begun to run in or dip, without interruption, until such course or making of candles shall be finished; and if any chandler or maker of candles, after having given such notice as by the said act is required, and after having begun to spread cottons, wicks, or rushes, for any course or making of candles (other than mould candles), shall not proceed and continue, without delay or interruption, to spread all the cottons, wicks, or rushes, intended to be used in that course or making of candles, until he, she, or they shall have finished the spreading of all such cottons, wicks, or rushes, he, she, or they shall have intended to be used, or which shall be used in such course or making of candles, or shall not actually begin to run in or dip such cottons, wicks, and rushes respectively, within five hours after he, she, or they shall have begun to spread cottons, wicks, or rushes, or shall not continue to run in or dip such cottons, wicks, or rushes, after he, she, or they shall have begun to run in or dip such cottons, wicks, or rushes, without interruption, until such course or making of candles shall be finished, every chandler or maker of candles so offending shall, for every such offence, forfeit and lose the sum of fifty pounds.

and continue to dip till the course is finished, on penalty of 50l. for failure in either case.

VII. And be it further enacted by the authority aforesaid, That if in any such notice, as is by the said act required to be given, the hour or time for beginning to run in or dip any cottons, wicks, or rushes, shall be specified to be more than five hours after the time specified in such notice for beginning to spread cottons, wicks, or rushes, such notice shall be of no effect but be null and void, to all intents and purposes whatsoever, and the chandler or maker of candles giving the same shall be subject and liable to all the same fines, penalties, and forfeitures, as he, she or they would have been if no notice whatsoever had been given.

If notice specifies more than five hours after beginning to spread, from the commencement of dipping, to be void.

Preamble.

VIII. *And whereas many traders, subject to the survey of the officers of excise and inland duties respectively, are severally required, by the laws concerning the duties under the management of the commissioners of excise, to keep just and sufficient scales and weights at the place or places wherein they carry on their respective trades, to be used in taking the account of the stocks of such traders, who are by the said laws respectively required to be aiding and assisting such officers in taking such account: and whereas it frequently happens that evil disposed persons, who are subject to such survey as aforesaid, have frequently hindered and prevented such officers from taking a just and true account of such stock, by concealing heavy or other substances in the commodities belonging to and part of such stock so to be weighed and taken account of by such officers, or by some art, device, or contrivance have prevented and hindered the said officers from taking*

such account by the means aforesaid, although the scales and weights have been in themselves just and sufficient; for remedy whereof, be it enacted by the authority aforesaid, That if, at any time or times after the first day of *August*, one thousand seven hundred and eighty-six, any trader or traders, subject to the survey of any officer or officers of the excise, or inland duties, and who is or are required, by any law or laws relating to the duties of excise, or other duties under the management of the commissioners of excise, to keep just scales and weights, shall, before or after, or in the weighing of his, her, or their stock, or any part thereof, put or suffer, or cause or procure to be put any other substance into the commodity or stock so to be weighed, whereby such officer or officers might be hindered or prevented from taking a just and true account of such stock, as is directed and prescribed by the several acts of parliament in that case made and provided, or shall forcibly obstruct or hinder, or shall, by any art, device, or contrivance, prevent or impede such officer, or procure or suffer him to be prevented or impeded in taking such just and true account of such stock or commodities as aforesaid, the party offending therein shall, for every such offence, forfeit and lose the sum of one hundred pounds.

Persons using any art to deceive officers in taking the weight of stocks, &c. to forfeit 100l.

IX. *And whereas by an act made in the nineteenth year of his present Majesty's reign, (intituled,* An act for the more effectual preventing the pernicious practices of smuggling in this kingdom, and for indemnifying persons who have been guilty of offences against the laws of the customs and excise, upon the terms therein mentioned), *it was enacted, That in all cases where the officers of customs or excise should discover and find, on board any ship or vessel coming and arriving from foreign parts, within the limits of any of the ports of this kingdom, more than one hundred pounds weight of tea, not being in the ships belonging to or employed by the united company of merchants of* England *trading to the* East Indies, *or more than one hundred gallons of foreign brandy, or of other foreign spirituous liquors, over and above the quantity of two gallons for every seaman then belonging to and on board such ship or vessel, and being in casks under sixty gallons, the master, or other person having or taking the charge of such ship or vessel, should forfeit the sum of three hundred pounds; and that it should and might be lawful, in such case, for any officer or officers of the customs or excise, and for all other persons acting in their aid and assistance, and they and each of them was and were thereby authorised to arrest, take, and detain the said master, or other person so having the charge or command of such ship or vessel, and to carry and convey the person so taken before any one of his Majesty's justices of the peace residing near to the place where such ship or vessel should then be, or where such person should be arrested and taken, and the person so carried and conveyed should be obliged to enter into a recognizance, as in the said act is directed: and whereas it has been found by experience, that the single recognizance of the person directed by the said act to enter into the same is ineffectual to answer the good purposes by the said act intended*; be it therefore enacted by the authority aforesaid, That,

Act 19 Geo. 3. c. 69, part recited relative to recognizances to be entered into by masters of ships discovered to have had on board a larger quantity of tea, etc. than is permitted:

such masters to enter into a recognizance with one sufficient security, for 300l. to enter appearance to informations, and refusing so to do, to be imprisoned.

That, from and after the first day of *August*, one thousand seven hundred and eighty-six, every person so carried and conveyed before any one of his Majesty's justices of the peace, according to the directions in the said in part recited clause, shall be obliged to enter into a recognizance to his Majesty, his heirs and successors, before such justice, with one other sufficient surety, to be approved of by such justice, in the sum of three hundred pounds, (which recognizance such justice is hereby required to take), with condition to enter an appearance in the courts of exchequer in *England* and *Scotland* respectively, within the first four days of the term next ensuing such arrest, to any information which shall or may be exhibited against him; and such justice shall and is hereby required forthwith to transmit every such recognizance to the King's remembrancer in such of the said respective courts; and if such person shall refuse to enter into such recognizance as aforesaid, then such justice shall commit such person to the next county gaol, there to remain until he shall enter into such recognizance.

Persons having in possession British spirits, etc. for which the duties have not been paid, forfeit the same and treble the value.

X. And be it further enacted by the authority aforesaid, That if any person or persons shall, after the said first day of *August*, one thousand seven hundred and eighty-six aforesaid, knowingly receive, buy, or have in his, her, or their custody or possession, any *British* spirits, soap, or candles, after the same shall be removed from the respective places where the same were made or manufactured, and where the same ought to have been charged with the duties payable in respect thereof, before the said duty or duties, to which the same shall be liable, have been charged, or before such *British* spirits, soap, or candles, have been lawfully condemned as forfeited, the person or persons offending therein, whether he, she, or they have or have not, or do or do not claim or pretend to have, any property or interest therein, shall, for every such offence, forfeit and lose all such *British* spirits, soap, and candles so received, bought, or had in his, her, or their custody or possession, and treble the value thereof.

Value to be estimated at the price of the best articles of the sort.

XI. And be it further enacted and declared, That the value of such *British* spirits, soap, and candles respectively so forfeited shall, from time to time, be deemed and taken to be according to, and at the rate and rates, price and prices, as the best goods, wares, merchandizes, and commodities of the like sorts, kinds, and denominations, do or shall bear and sell for in *London*, at the time when such penalty shall be incurred.

Proof to be admitted of officers being authorized to act, without producing their particular appointments.

XII. And be it further enacted by the authority aforesaid, That if, upon the trial of any indictment, information, action, suit, or prosecution whatsoever, or in any proceedings relative thereto, any question shall arise, whether any person be an officer of any branch of his Majesty's revenues, or commissioned or deputed to act as such, proof shall and may be made and admitted, that such person was reputed to be or had as such exercised such office, or acted under such commission or deputation, at the respective time and times when the matter or matters in controversy upon such trial or trials, or other proceedings,

ceedings, shall happen to have been done or committed, or omitted to have been done or performed, without producing or proving the particular commission, deputation, or other authority whereby such officer was constituted and appointed; and that in every such case such proof shall be deemed and taken, by all judges, justices, or commissioners, before whom any such trial or proceeding shall be had, to be good and legal evidence, unless by other evidence the contrary shall be made to appear; any law or usage to the contrary thereof notwithstanding.

Actions for penalties to be filed in the name of the attorney general, or of an officer of the customs or excise, or to be void.

XIII. And be it further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and eighty-six, it shall not be lawful for any person or persons whatsoever to commence, prosecute, enter, or file, or cause or procure to be commenced, prosecuted, entered, or filed, any action, bill, plaint, or information, or actions, bills, plaints, or informations, in any of his Majesty's courts, against any person or persons, for the recovery of any fine, penalty, or forfeiture, fines, penalties, or forfeitures, made or incurred by virtue of any act or acts now in force, or hereafter to be made, relating to either of his Majesty's revenues of customs or excise, unless the same be commenced, prosecuted, entered, or filed, in the name of his Majesty's attorney general, or in the name or names of some officer or officers of some or one of his Majesty's said revenues; and if any action, bill, plaint, or information, actions, bills, plaints, or informations, is or are commenced, prosecuted, entered, or filed, in any other person or persons name or names, than is in that behalf before mentioned, the same, and all proceedings thereupon had, are hereby declared to be null and void; and the said court or courts, where such action, bill, plaint, or information, or actions, bills, plaints, or informations, is, are, or shall be so commenced, prosecuted, entered, or filed, shall not permit or suffer any proceeding or proceedings to be had thereupon.

Attorney general may enter a noli prosequi in any action for fines.

XIV. And be it further enacted by the authority aforesaid, That in case any prosecution shall be commenced or depending by any officer or officers of either of his Majesty's revenues of customs or excise, for the recovery of any fine, penalty, or forfeiture, fines, penalties, or forfeitures, incurred by virtue of any act or acts of parliament now in force, or hereafter to be made, relating to either of his Majesty's said revenues, it shall and may be lawful for his Majesty's attorney general, in case it shall appear to his satisfaction that such fine, penalty, or forfeiture, or fines, penalties, or forfeitures, was or were incurred without any intention of fraud, to stop all further proceedings, by entering a *Noli prosequi*, or otherwise, on every such information, as well with respect to the share of such forfeiture, fine, penalty, or fines, penalties, or forfeitures, to which any such officer or officers shall or may claim to be intitled, as to the share thereof belonging to his Majesty; any law to the contrary thereof in any wise notwithstanding.

XV. *And whereas the laws already made for the securing the duties*

ties of excise imposed on rum or spirits of the growth, produce, or manufacture, of his Majesty's British *sugar plantations, imported into the kingdom of* Great Britain *directly from the said sugar plantations, or any of them, have been found insufficienc and ineffectual; for remedy whereof*, be it enacted by the authority aforesaid,

Officers, on notice, may enter warehouses, gauge rums, &c. and take samples.

That, from and after the first day of *August*, one thousand seven hundred and eighty-six, it shall and may be lawful for the officers of his Majesty's revenue of excise, or any of them, from time to time, and at all times, by day and by night (and if in the night time, in the presence of a constable or other officer of the peace), upon previous notice for that purpose having been given to any such importer or proprietor, importers or proprietors, or left at his, her, or their dwelling house, or with his, her, or their known agent or servant, usually entrusted with the key of the lock affixed to any such warehouse by such importer or proprietor, importers or proprietors, by the space of one hour, or more, to enter into all and every such warehouses, and by tasting, gauging, or otherwise, to take an account of the quantity and quality of all rum, spirits, strong waters, or other liquors, as shall, at the time of such his or their entry, be found therein; and also to take a sample or samples of all such rum, spirits, strong waters, or other liquors, not exceeding half a pint in the whole, out of each cask or other vessel containing the same, paying, if demanded, at and after the rate of three shillings for each and every gallon of such rum, spirits, or strong waters, and at and after the rate of three shillings for each and every gallon of such other liquors;

Persons obstructing the officer, to forfeit 200l.

and in case any such importer or proprietor, importers or proprietors, or any agent, servant, or workmen to him, her, or them belonging, shall, after such notice given as aforesaid, hinder or refuse the said officer or officers to enter into any such warehouse or warehouses to take such account as aforesaid, or shall refuse to permit or suffer any such officer or officers to take any such samples as aforesaid, upon his or their offering to pay for the same as aforesaid, or shall anywise obstruct or hinder him or them in taking such sample or samples, such importer or proprietor, importers or proprietors, shall, for every such offence, forfeit the sum of two hundred pounds.

Warrants may be granted to officers, forcibly to enter warehouses, visited by the proprietors without their knowledge.

XVI. And be it further enacted by the authority aforesaid, That, from and after the first day of *August*, one thousand seven hundred and eighty-six, upon oath made by any credible person or persons, that he, she, or they, have reason to suspect or believe that the proprietor or importer, proprietors or importers, of such rum or spirits lodged and put into any warehouse or warehouses, under the direction and authority of the statute in that case made and provided, or any other person or persons whatsoever, do mean and intend, without the privity, consent, and knowledge of the officer or officers of his Majesty's revenue of excise, within whose district or division such warehouse or warehouses shall be situated, in the night time to enter or go into such warehouse or warehouses, wherein such

rum

rum or spirits are or shall be so lodged and put, or that such proprietor or importer, proprietors or importers, or any other person or persons whatsoever, shall at any time actually be in such warehouse or warehouses without the privity and consent of such officer or officers as aforesaid, it shall and may be lawful to and for any one or more of the commissioners of excise, within the limits of the weekly bills of mortality, or any one or more of the justices of the peace in any other part of *Great Britain*, (which oath they the said commissioners, and justices of the peace, respectively, are hereby authorized to administer), from time to time, to issue their respective warrants, authorizing and requiring any officer or officers of excise (with the assistance of a constable, or other peace officer) to enter such warehouse and warehouses, by force or otherwise, and that every such warrant shall and may be obeyed and executed accordingly; and if such proprietor or importer, proprietors or importers, or other person or persons whatsoever, shall hinder or refuse the said officer or officers, or any other person or persons, in his aid or assistance, from entering such warehouse or warehouses, or shall hinder or obstruct the said officer or officers in the due execution of the said warrant, the person or persons offending therein shall, for every such offence, forfeit and lose the sum of two hundred pounds.

Persons obstructing officers to forfeit 200l.

XVII. And be it further enacted by the authority aforesaid, That if, from and after the first day of *August*, one thousand seven hundred and eighty-six, any officer or officers of excise shall discover and find in such warehouse or warehouses, any increase of rum or spirits (other than and except such as shall arise from such rum or spirits as shall have been imported and landed as aforesaid, and lodged and put into such warehouse or warehouses, under the direction and authority of the statutes in that case made and provided) over and above the quantity of rum or spirits which the officer found in such warehouse or warehouses at the time of the last preceding survey upon such warehouse or warehouses, or shall discover and find, in such warehouse or warehouses, any decrease of rum or spirits (other than and except such decrease as shall arise from such rum or spirits delivered out of such warehouse or warehouses, according to the form of the statutes in that case made and provided, or as shall arise from leakage or other unavoidable accident) under and below the quantity of rum or spirits which the officer found in such warehouse or warehouses at the time of the last preceding survey upon such warehouse or warehouses, such increase or decrease shall be deemed and taken to have been made by means of the proprietor or importer, proprietors or importers, of such rum or spirits so imported and landed, and lodged and put into such warehouse or warehouses, under the direction and authority of the statute in that case made and provided, having by some means, act, device, or contrivance, opened such warehouse or warehouses, not in the presence of the proper warehouse-keeper, or other officer of excise, whose business it is to attend with the key to open the same; and in every

If an unfair increase or decrease be found in the stock of rum, &c. in any warehouse, the proprietor to forfeit 500l.

every such case such importer or proprietor, importers or proprietors, shall forfeit and lose, for every such offence, five hundred pounds.

Preamble.

XVIII. *And whereas persons who have been guilty of assaulting or obstructing officers of the customs or excise in the due execution of their offices, or of rescuing, or attempting to rescue, goods seized by such officers, or of offences against the laws respecting quarantine, being prosecuted for the same by indictment or information in his Majesty's court of king's bench, do frequently escape punishment by reason that such persons have not been usually put under any recognizance to answer such indictment or information, unless in cases where some specific pecuniary penalty is imposed, or where the offence having been committed in the county of* Middlesex, *an indictment for the same has been originally found in the said court of king's bench; for remedy thereof,* be it further enacted by the authority aforesaid,

Persons assaulting officers, &c. or attempting to rescue prohibited goods, to be bound with two sureties to appear to informations,

That whenever any person or persons shall be charged with assaulting or obstructing any officer or officers of the customs or excise, in the due execution of his or their office or offices, or any person or persons acting in his or their aid or assistance, or with rescuing, or attempting to rescue by force any uncustomed or prohibited goods, after seizure thereof by such officer or officers, or with any offence against any law respecting quarantine, and the same shall be made appear to any judge of his Majesty's court of king's bench, by affidavit or by certificate of an indictment or information being filed against such person or persons in the said court for such offence, it shall and may be lawful for such judge to issue his warrant in writing under his hand and seal, and thereby to cause such person or persons to be apprehended and brought before him, or some other judge of the said court, or before some one of his Majesty's justices of the peace, in order to his, her, or their being bound to the King's majesty with two sufficient sureties in such sum as in the said warrant shall be expressed, with condition to appear in the said court at the time mentioned in such warrant, and to answer to all and singular indictments or informations for any the offences aforesaid; and in case such person or persons shall

and refusing to become bound, to be imprisoned.

neglect or refuse to become bound as aforesaid, it shall be lawful for such judge, or justice of the peace respectively, to commit such person or persons to the common gaol of the county, city, or place, where the offence shall have been committed, or where he, she, or they shall have been apprehended, until he, she, or they shall have become bound as aforesaid, or shall be discharged by order of the said court of king's bench in term time, or by one of the judges of the said court in vacation; and the recognizance or recognizances to be taken thereupon shall be returned and filed in the said court, and shall continue in force until such person or persons shall have been acquitted of such offence, or in case of conviction, shall have received judgement for the same, unless sooner ordered by the said court to be discharged.

Penalties and forfeitures

XIX. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures, imposed by this act, shall

shall be sued for, recovered, levied, or mitigated, by such ways, means or methods, as any fine, penalty or forfeiture, may be sued for, recovered, levied or mitigated, by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*, respectively; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall inform, discover, or sue for the same. how to be recovered and applied.

XX. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons for any thing by him or them done in pursuance of this act, such action or suit shall be commenced within one month next after the matter or thing done, and shall be laid in the proper county, and the defendant or defendants in such action or suit may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer, or otherwise, then such defendant or defendants shall have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs. Limitation of actions. General issue. Treble costs.

CAP. LXXVIII.

An act for better securing the duties on paper printed, painted, or stained, in Great Britain.

WHEREAS, *notwithstanding the laws already made for securing the duties on paper, printed, painted, or stained, in* Great Britain, *to serve for hangings and other uses, many frauds are frequently practised, to the great loss of the revenue, and to the injury of the fair trader, by evil minded and indigent persons, who are encouraged in their evil practices by the length of time allowed by law for the payment of those duties, and for the want of some further regulations: and whereas, by an act of parliament passed in the tenth year of the reign of queen* Anne, *intituled*, An act for laying several duties upon all soap and paper made in *Great Britain*, or imported into the same; and upon chequered and striped linens imported; and upon certain silks, callicoes, linens, and stuffs printed, painted, or stained; and upon several kinds of stamped vellum, parchment, and paper; and upon certain printed papers, pamphlets, and advertisements, for raising the sum of eighteen hundred thousand pounds, by way of a lottery, towards her Majesty's supply; and for licensing an additional number of hackney chairs; and for charging certain stocks of cards and dice; and for better securing her Majesty's duties to arise in the office for the stamp duties by licences for marriages, and otherwise; and for relief of persons who have not claimed their lottery tickets in due time, or have lost exchequer bills or Preamble. 10 Annæ, c. 19, recited in part;

lottery tickets; and for borrowing money upon stock, part of the capital of the *South Sea* company, for the use of the publick; it was, among other things, enacted, *That from and after the four and twentieth day of* June, *one thousand seven hundred and twelve, during the continuance of the duties upon paper, all and every person and persons who should print, paint, or stain any paper in* Great Britain *should, once in every six weeks, make a true entry in writing at the next office for the said duties upon paper, of all the paper by him, her, or them severally made fit for use within such six weeks respectively; and that all and every person and persons who should print, paint, or stain any paper in* Great Britain, *should from time to time, within six weeks after he, she, or they should make, or ought to have made such entry as aforesaid, pay and clear off all the said duties for all such paper as should by them respectively be printed, painted, or stained, so as to be fit for use or sale: and whereas the allowing so long a time for the making the entries, and for the paying the auties as aforesaid, hath been found prejudicial to the revenue; for remedy thereof,* be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *September*, one thousand seven hundred and eighty six, so much of the said act as requires any printer, painter, or stainer of paper, to make such entries, once in every six weeks, of all paper by him, her, or them printed, painted, or stained, within such six weeks, or to pay and clear off all duties for the same within six weeks after he, she, or they should make, or ought to have made, such entries as aforesaid, shall be repealed, save only and except in all cases relating to the recovering any arrears, which may at that time remain unpaid of the said duties, or to any penalty or forfeiture which shall have been incurred upon, or at any time before the said first day of *September*, one thousand seven hundred and eighty-six.

and from Sept. 1, 1786, so much as relates to paper stainers, &c. making entries once in six weeks of all paper stained, etc. to be repealed.

II. And be it further enacted by the authority aforesaid, That, from and after the said first day of *September*, one thousand seven hundred and eighty-six, all and every person and persons, who shall print, paint, or stain any paper in *Great Britain*, to serve for hangings or other uses, shall, once in every fortnight, make a true entry in writing at the next office for the said duties, of all the paper by him, her, or them printed, painted, or stained, within such fortnight respectively, which entries shall contain the just kinds and quantities thereof respectively, on pain to forfeit, for every neglect of such entry, the sum of fifty pounds; which entries shall be made upon oath (or, in case of a Quaker, upon solemn affirmation) of the printer, painter, or stainer of such paper, or of his, her, or their chief workman or servant employed in the printing, painting, or staining such paper, according to the best of his, her, or their knowledge or belief; which oaths or affirmations shall and may be administered by the proper collector, supervisor, or surveyor of the said duties of the district or division within which such

From Sept. 1, 1786, entries to be made every fortnight of all paper stained, etc. on penalty of 50l.

such printer, painter, or stainer of paper doth inhabit, without any fee or charge for the same.

Duties to be paid within a fortnight after such entries made, on penalty of forfeiting double the duties.

III. And be it further enacted, That all and every person and persons, who shall print, paint, or stain any paper in *Great Britain*, shall, from time to time, within a fortnight after he, she, or they shall have made, or ought to have made, such entry as aforesaid, pay and clear off all the duties for all such paper as shall by them respectively be printed, painted, or stained, upon pain of forfeiting, for every default therein, double the sum of the said duty whereof the payment shall be so neglected; and that no such person, after such default in payment made, shall sell, deliver, or carry out, any such printed, painted, or stained paper, until he or she hath paid and cleared off his or her duty as aforesaid, upon pain to forfeit double the value of the goods so sold, delivered, or carried out.

If goods are delivered before the duties are paid, double their value to be forfeited.

The duties on stock at Sept. 1, 1786, to be paid for in 6 months, or in a fortnight after any parts thereof are finished.

IV. *And whereas divers printers, painters, or stainers of paper, have large quantities of paper now in their possession, which has been taken account of, but is not charged with the duties; and as it may be very inconvenient for such printers, painters, or stainers of paper, to pay all such duties within a fortnight after this act takes place*; be it enacted by the authority aforesaid, That every printer, painter, or stainer of paper, for hangings or other uses, who, on the first day of *September*, one thousand seven hundred and eighty-six, shall have any paper in his possession which has been taken account of, and which is not already charged with the duties, shall produce the same to the officer appointed to take an account of and charge the duties thereon, and the same shall be measured, marked, and charged with the duties; and the said printer, painter, or stainer, shall pay the duties for the same within six months after the said charge shall be so made; or if the said paper, or any part thereof, shall be finished in less time, then such printer, painter, or stainer, shall pay the duties for the said paper, or any part thereof, within one fortnight after the same shall be so finished respectively.

Act 1 Geo. 1. c. 36, recited in part.

V. *And whereas by a certain other act of parliament, passed in the first year of the reign of King* George *the First, intituled*, An act for charging and continuing the duties on malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixteen; and for compelling several receivers to finish and clear their accounts; and for making duplicates of exchequer bills, lottery tickets, and orders, lost, burnt, or destroyed; and for enlarging the time for adjusting claims to certain benefit tickets; and for allowing the charge of executing the lottery act, for the service of the year one thousand seven hundred and ten; and for recovering monies of several land taxes, resting in the hands of collectors or constables at *Saint Albans*; and for preventing frauds in the duties upon sope; and for limiting a time for persons who have certain annuities for life or lives, to demand the payments thereupon at the exchequer; and for preventing frauds in the duties relating to

printed and painted paper, callicoes, and other things therein mentioned; *it was, among other things, enacted, That before any paper should be printed, painted, or stained, the officers for the duties thereon should be permitted to take accounts of the quantities and dimensions of all paper for printing, painting, or staining, which, at any time or times, should be in the custody or possession of any such printer, painter, or stainer, and upon taking such account thereof, should mark or stamp every sheet and piece thereof with a stamp or seal, provided as by the said act is directed: and whereas the stamping every sheet of paper, in cases where many sheets of paper are afterwards joined together in one piece, in order to be printed, painted, or stained, is found insufficient to secure the duties on such paper, and it is necessary that some further additional mark or stamp should be put on every such piece of paper, or sheet of paper, where a single sheet shall be printed, painted, or stained*; be it further enacted by the authority aforesaid, That, from and after the said first day of *September*, one thousand seven hundred and eighty-six, every printer, painter, or stainer of paper, in *Great Britain*, to serve for hangings and other uses, before he, she, or they shall print, paint, or stain, any piece of paper, or any sheet of paper, where a single sheet of paper shall be printed, painted, or stained, shall produce and shew such piece of paper, or such sheet of paper, to the proper officer for the said duties, and such officer shall take an account thereof; and in case such officer finds that every sheet thereof is marked or stamped as by the aforesaid act is required, he shall measure the same, and mark such piece of paper, or such sheet of paper, where a single sheet shall be printed, painted, or stained, at both ends thereof, with a frame mark, denoting the measure thereof, and with such other number or mark as the commissioners for the said duties shall direct; and in case any printer, painter, or stainer of paper, shall begin to print, paint, or stain any piece of paper, or any sheet of paper, where a single sheet of paper shall be printed, painted, or stained, before the same shall have been measured and marked at both ends thereof by the officer for the said duties, as by this act is directed, every such piece or sheet of paper shall be forfeited, and may be seized by any officer for the said duties, and the printer, painter, or stainer, in whose possession the same shall be found, shall also forfeit the sum of twenty pounds for every such piece of paper or sheet of paper so printed, painted, or stained, without having been measured and marked as aforesaid.

From Sept. 1, 1786, if paper be begun to be stained, &c. before measured and marked, to be forfeited, and 20l. penalty incurred for every piece.

VI. *And, to the end that paper printed, painted, or stained, and already charged with the duties thereon, may not be improperly seized,* be it further enacted by the authority aforesaid, That at any time before the first day of *January*, one thousand seven hundred and eighty-seven, any printer, painter, or stainer of paper, or any dealer in printed, painted, or stained paper, may give two days notice to the proper officer for the said duties, that he desires to have such printed, painted, or stained paper, which has been already charged with the said duties before the first day of *September*, one thousand seven hundred and eighty-six, to be marked

Paper for which the duties shall have been charged before Sept. 1, 1786, may be stampt before Jan. 1, 1787;

marked and stamped according to the directions of this act; and such officer, having received such notice as aforesaid, shall attend, and in case he shall find that every sheet of such paper is marked or stamped as by the said former acts is required, he shall stamp or seal every piece of such paper so already charged with the said duties, and every sheet, where a single sheet is printed, painted, or stained, at both ends thereof, with such stamp or seal as is by this act directed to be used, to denote that the duties have been charged thereupon, or with such other stamp or seal as the commissioners for the said duties shall direct to be used; and from and after the said first day of *January*, one thousand seven hundred and eighty-seven, every piece of paper printed, painted, or stained, and every sheet of such paper, where a single sheet shall be printed, painted, or stained, that shall be found in the possession of any printer, painter, or stainer of any paper, or of any dealer therein, shall be deemed to have been printed, painted, or stained after the said first day of *September*, one thousand seven hundred and eighty-six; and in case the same shall not be stamped and sealed at both ends thereof, as by this act is directed, the same shall be forfeited, and may be seized by any officer of the excise or for the said duties.

and after Jan. 1, 1787, every single sheet found in the possession of a dealer to be deemed to have been stained after Sept. 1, 1786, and seizable if not stampt.

VII. And be it further enacted by the authority aforesaid, That, from and after the first day of *January*, one thousand seven hundred and eighty-seven, no person shall be intitled to any drawback of the duties upon paper printed, painted, or stained in *Great Britain*, upon the exportation of any such paper printed, painted, or stained, before the said first day of *September*, one thousand seven hundred and eighty-six, that shall not have such stamp or seal at both ends thereof, as is herein-before lastly directed, any thing in this act to the contrary notwithstanding.

After Jan. 1, 1787, no drawback to be allowed on paper stained before Sept. 1, 1786, unless duly stampt.

VIII. *And whereas printers, painters, or stainers of paper may frequently have occasion to cut pieces of paper, printed, painted or stained, into remnants or parts for samples, or for other purposes*, be it enacted by the authority aforesaid, That when any printer, painter, or stainer of paper shall be desirous of cutting any piece or pieces of paper, printed, painted, or stained, into remnants or parts, such printer, painter, or stainer, shall give six hours notice to the proper officer for the said duties, and such officer shall attend and see the frame marks and stamps put, as herein-before directed, at both ends of every such piece of paper, cut off every such piece or pieces of paper; and after having seen such piece or pieces of paper cut into remnants or parts, shall stamp or mark every such remnant or part, at each end thereof, with such stamps or marks as the commissioners for the said duties shall from time to time direct, which stamps or marks the commissioners for the said duties are hereby authorised to provide for that purpose.

Pieces cut for samples must be marked by the officer on every sample.

IX. *And whereas divers printers, painters, or stainers of paper do frequently obtain long delays of charging the duties upon paper by them printed, painted, or stained, upon pretence that they intend to add*

some other colour or some other figure to the same, and that the same is not finished, which delays are detrimental to the revenue; for remedy thereof, be it enacted by the authority aforesaid, That, from and after the said first day of *September*, one thousand seven hundred and eighty-six, as soon as any paper shall be printed, painted, or stained with any colour, or with any figure, the officer for the said duties shall take an account of the same, and shall charge the duties for the same, and shall stamp or seal every piece of such paper, or every sheet, where any single sheet shall be printed, painted, or stained, at both ends of every such piece or sheet, with a stamp or seal, to denote that the duties have been charged thereon; and if any printer, painter, or stainer of paper shall remove, carry, or send away, or suffer to be removed, carried, or sent away, any piece or sheet of printed, painted, or stained paper, before the same shall have been taken account of, and stamped or sealed at both ends thereof by the officer, to denote the charging the said duties, every such printer, painter, or stainer of paper shall forfeit, for every such offence, the sum of fifty pounds, and all such printed, painted, or stained paper, so removed without being stamped or sealed by the officer, to denote the charging the said duties, and being found in the possession of any dealer in printed, painted, or stained paper shall be forfeited, and may be seized by any officer for the said duties.

Duties to be charged, etc. as soon as paper is stained,

and 50l. penalty to be incurred for every piece of paper removed before stampt, with forfeiture of the paper.

X. *And, for the better prevention of frauds*, be it further enacted, That in case any officer or officers for the said duties on paper printed, painted, or stained, shall miss any quantity or quantities of such paper whereof he had taken an account, and marked the same with a frame mark, and shall not, upon reasonable demand, receive satisfaction what is become of the same, then, and in such case, it shall and may be lawful for such officer to charge such printer, painter, or stainer of paper with the duties of such paper so missing, as if the same were actually printed, painted, or stained.

Officers to charge the duties for paper missing.

XI. And be it further enacted by the authority aforesaid, That every printer, painter, or stainer of any such paper as aforesaid, shall, from time to time, keep all the paper by him, her, or them respectively printed, painted, or stained, and which shall not have been stamped and charged by the proper officer for the said duties, separate and apart from all other printed, painted, or stained paper which shall have been stamped and charged by such officer, on pain to forfeit, for every offence therein, the sum of fifty pounds.

Paper not charged with the duties to be kept separate, on penalty of 50l.

XII. And be it further enacted by the authority aforesaid, That if any printer, painter, or stainer of paper, shall fraudulently hide or conceal, or cause to be hid or concealed, any printed, painted, or stained paper, or any paper marked for printing, painting, or staining, with intent to defraud his Majesty of his just duties thereon, then, and in every such case, the party so offending shall forfeit the sum of one hundred pounds for every such offence.

Persons fraudulently concealing paper to forfeit 100l.

XIII. And

XIII. And be it further enacted by the authority aforesaid, That the commissioners for the said duties shall, on or before the said first day of *September*, one thousand seven hundred and eighty-six, provide proper frames, and such other numbers or marks as they shall think fit, to denote the measure of all pieces or sheets of paper, printed, painted, or stained, and proper stamps or seals to denote the charging the duties thereon; and shall cause the said respective frames, numbers, and marks, and the said stamps and seals to be distributed to the respective officers for the several purposes before mentioned; which officers are hereby enjoined and required in using the same to do hurt or damage, or the least damage that may be, to the paper to be so marked or stamped; and the said frames, numbers, and marks, and the said stamps or seals, to be provided in pursuance of this act, and also the said marks or stamps provided in pursuance of the said former act, may be altered or renewed, from time to time, as the said commissioners shall from time to time think fit; and if any person whatsoever shall at any time counterfeit or forge any frame, number, or mark, used by the officers for the said duties in marking such paper, or shall counterfeit or forge the impression of the same, upon any paper to be printed, painted, or stained, every person so offending shall forfeit and lose the sum of one hundred pounds; and if any person whatsoever shall at any time counterfeit or forge any stamp or seal, to resemble any stamp or seal which shall be provided in pursuance of this act, to denote the charging the duties on paper printed, painted, or stained, in *Great Britain*, or shall counterfeit or resemble the impression of the same, upon any paper printed, painted, or stained, thereby to defraud his Majesty, his heirs or successors, of the duties on such paper printed, painted, or stained, then every person so offending, being thereof convicted in due form of law, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy; and in case any person shall at any time sell any such printed, painted, or stained paper, with a counterfeit stamp thereon, knowing the same to be counterfeited, and with an intent to defraud his Majesty, his heirs or successors, every such offender shall, for every such offence, forfeit and lose the sum of one hundred pounds.

Commissioners to provide proper marks, etc.;

and the officers in using them to do the least possible damage to the paper.

Penalty on forging marks, &c.

XIV. And be it further enacted by the authority aforesaid, That if, at any time after the said first day of *September*, one thousand seven hundred and eighty-six, any printer, painter, or stainer of paper, shall wilfully cut out, obliterate or deface, or wilfully suffer to be cut out, obliterated or defaced, the frame mark, number, or mark put by the officer on any piece or sheet of paper, to denote the measure thereof, every such printer, painter, or stainer of paper shall forfeit the sum of fifty pounds for every piece of paper, or sheet of paper, on which the frame mark, number, or mark put by the officer, shall be so wilfully cut out, obliterated, or defaced.

Persons obliterating marks, to forfeit 50l.

XV. And be it further enacted by the authority aforesaid, That

Perſons affixing marks already uſed, to forfeit 50l. and the paper.

That if at any time after the ſaid firſt day of *September*, one thouſand ſeven hundred and eighty-ſix, any printer, painter, or ſtainer of paper ſhall, by any means or contrivance, with intent to defraud his Majeſty of his juſt duties, affix upon any piece of paper, or ſheet of paper, printed, painted, or ſtained, any frame mark, or any ſtamp or ſeal which ſhall have been before affixed on any other piece of paper, or ſheet of paper, printed, painted, or ſtained, then, and in every ſuch caſe, every perſon ſo offending ſhall, for every ſuch offence, forfeit and loſe the ſum of fifty pounds, and alſo every piece or ſheet of ſuch paper, whereupon ſuch frame mark, ſtamp, or ſeal, ſhall be ſo fraudulently affixed.

Perſons keeping paper in any place, of which notice has not been given to the officer, to forfeit 5ol. and the paper.

XVI. And be it further enacted by the authority aforeſaid, That no printer, painter, or ſtainer of paper, ſhall keep any paper printed, painted, or ſtained, or to be printed, painted, or ſtained, marked with a frame mark denoting the meaſure thereof, or with a ſtamp or ſeal denoting the charging the duties thereon, or unmarked with either ſuch frame mark, or ſuch ſtamp, in any warehouſe, room, or place, whereof no notice ſhall have been given to the officer for the ſaid duties on paper printed, painted, or ſtained; and if any ſuch paper printed, painted, or ſtained, or to be printed, painted, or ſtained, whether marked with a frame mark or unmarked, or ſtamped or unſtamped, ſhall be found in the poſſeſſion of any printer, painter, or ſtainer of paper, in any warehouſe, room or place, whereof no notice ſhall have been given to the officer for the ſaid duties, then, and in every ſuch caſe, the party ſo offending ſhall forfeit the ſum of fifty pounds for every ſuch offence, and all ſuch paper ſo found ſhall be forfeited, and may be ſeized by any officer for the ſaid duties.

Warrants may be granted to ſearch for paper ſuſpected not to be duly ſtamped, which may be ſeized,

XVII. And be it further enacted by the authority aforeſaid, That at any time or times, upon oath made by any credible perſon or perſons, that he, ſhe, or they have reaſon to ſuſpect or believe, that any paper printed, painted, or ſtained in *Great Britain*, after the ſaid firſt day of *September*, one thouſand ſeven hundred and eighty-ſix, for which a duty ought to have been paid or charged, or which ought to have been ſtamped, as by this act is directed, is or ſhall be in the cuſtody or poſſeſſion of any printer, painter, or ſtainer of paper, or other perſon trading or dealing therein, or of any perſon or perſons, for the uſe or account of ſuch printer, painter, or ſtainer, or other trader or dealer in printed, painted, or ſtained paper for ſale, without having thereupon ſuch ſtamps or ſeals as are by this act required to denote the charging the duties thereupon, it ſhall and may be lawful for the commiſſioners of the ſaid duties in *England* or *Scotland* reſpectively, or any two of them, within their reſpective limits, or for any one juſtice of the peace in any other parts of *Great Britain*, from time to time, to iſſue their reſpective warrants or orders, thereby authorizing and requiring any officer or officers for the ſaid duties, with the aſſiſtance of a conſtable or other officer of the peace, in the day time, to ſearch for the ſame, and to open doors, cheſts, trunks, and packages, and to

ſeize

seize such paper, printed, painted, or stained, after the said first day of *September*, one thousand seven hundred and eighty-six, and not having such stamps or seals thereon as are by this act required, and to bring the same to the excise office next to the place where the same shall be seized, and that every such warrant shall be obeyed and executed accordingly; and such paper, printed, painted, or stained, after the said first day of *September*, one thousand seven hundred and eighty-six, so found unstamped, in the possession of such printer, painter, or stainer, or other trader or dealer, for sale, or in the possession of any other person for the use of such printer, painter, or stainer, trader or dealer, for sale, shall be forfeited: provided always, that no remnant of any piece of such printed, painted, or stained paper, being of less length than shall be expressed by the frame mark thereon, being found in the possession of such printer, painter, or stainer of paper, or trader or dealer therein, having such stamp or seal, as by this act is required, at one end thereof, shall be forfeited, by reason of not having such stamps or seals at both ends thereof; and if any person or persons shall obstruct or hinder any of the aforesaid officers from entering any such place or places for the purposes aforesaid, or in seizing or carrying away any paper, by this act declared to be forfeited, every person or persons so offending shall forfeit and pay the sum of fifty pounds.

but no remnant of a piece of less length than the frame mark to be forfeited, for not having stamps at both ends.

Persons obstructing officers, &c. forfeit 50l.

XVIII. *And, for the better preventing of frauds, by the lengthening or adding to any piece, or remnant of a piece, of such printed, painted, or stained paper, after such piece of paper shall have been stamped or sealed at both ends thereof, as by this act is required*; be it further enacted by the authority aforesaid, That if, at any time after the said first day of *September*, one thousand seven hundred and eighty-six, any piece, or remnant of a piece of paper, printed, painted, or stained, after the said first day of *September*, one thousand seven hundred and eighty-six, not having such frame mark and stamp thereon as is by this act required, or having such frame mark and stamp at one end thereof only, and being of as great or greater length than shall be expressed by such frame mark, or having such frame mark and stamp at both ends thereof, and being of greater length than shall be expressed by such frame mark by the length of half a yard, or more, shall be found in the possession of any printer, painter, or stainer of paper, or trader or dealer therein, every such piece of paper or remnant shall be forfeited, and may be seized by any officer for the said duties, and the printer, painter, or stainer of paper, or trader or dealer therein, in whose possession the same shall be found, shall also forfeit and lose the sum of fifty pounds.

Paper not having the frame mark, or being marked at one end only, etc. to be forfeited, and also 50l.

XIX. *And, in order more effectually to prevent any frauds by shipping for exportation to foreign parts, any such printed, painted, or stained paper, and obtaining a drawback of the duties payable for the same, and afterwards relanding and selling the same for home consumption*, be it further enacted by the authority aforesaid, That, from and after the said first day of *September*, one thousand seven hundred and eighty-six, whenever any person shall be desirous of

If paper stained before Sept. 1, 1786, is exported,

oath to be made of the fact.

of packing up, in order to be exported to foreign parts, by way of merchandize, any paper printed, painted, or ſtained, before the ſaid firſt day of *September*, one thouſand ſeven hundred and eighty-ſix, in *Great Britain*, to ſerve for hangings and other uſes, and not having ſuch ſtamps or ſeals denoting the charging the ſaid duties, and ſuch frame marks denoting the meaſure thereof, at both ends of every piece of ſuch paper, or of every ſheet of ſuch paper, where any ſingle ſheet is printed, painted, or ſtained, as are by this act required, ſuch perſon, or his clerk or manager, ſhall make oath (or, being a Quaker, affirmation) before the ſurveyor or ſuperviſor, or other officer of exciſe, appointed by the commiſſioners of exciſe, or the major part of them, for that purpoſe (who is hereby authoriſed and required to adminiſter the ſame), that all and every ſuch piece and pieces, or ſheet or ſheets of paper were printed, painted, or ſtained in *Great Britain*, before the ſaid firſt day of *September*, one thouſand ſeven hundred and eighty-ſix; and ſuch officer or officers ſhall not permit to be packed up in order to be exported, any piece of paper, or any ſheet of paper, printed, painted, or ſtained in *Great Britain*, after the ſaid firſt day of *September*, one thouſand ſeven hundred and eighty-ſix, not having the ſtamps or ſeals directed by this act denoting the charging the ſaid duties, and alſo the frame marks denoting the meaſure thereof, diſtinct and plain at both ends of every ſuch piece of paper, or ſheet of paper, where a ſingle ſheet ſhall be printed, painted, or ſtained; and the officer or officers who ſhall attend to ſee ſuch paper, ſo printed, painted, or ſtained, after the ſaid firſt day of *September*, one thouſand ſeven hundred and eighty-ſix, packed up, ſhall take care to meaſure the ſaid paper, and to ſee that the ſtamps or ſeals directed by this act denoting the charging of the duties thereupon, and alſo the frame marks denoting the meaſure thereof, are cut off from both ends of every piece of ſuch paper, or every ſheet of ſuch paper, where a ſingle ſheet ſhall be printed, painted, or ſtained, before the ſame are packed up.

No paper ſtained after Sept. 1, 1786, to be permitted to be packed for exportation, unleſs legally marked, &c.

Officer to meaſure paper exported, and cut off the marks, &c.

XX. And be it further enacted by the authority aforeſaid, That all fines, penalties, and forfeitures, impoſed by this act, ſhall be ſued for, recovered, levied, or mitigated, by ſuch ways, means, and methods, as any fine, penalty, or forfeiture may be ſued for, recovered, levied, or mitigated, by any law or laws of exciſe, or by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, or in the court of exchequer in *Scotland*, reſpectively; and that one moiety of every ſuch fine, penalty, or forfeiture, ſhall be to his Majeſty, his heirs or ſucceſſors, and the other moiety to him or them who ſhall inform, diſcover, or ſue for the ſame.

How fines are to be recovered and applied.

XXI. And be it further enacted by the authority aforeſaid, That if any action or ſuit ſhall be brought or commenced againſt any perſon or perſons, for any thing by him, her, or them done in purſuance of this act, ſuch action or ſuit ſhall be commenced within three months next after the matter or thing done, and ſhall be laid in the proper county; and the defendant or

Limitation of actions.

or defendants, in such action or suit, may plead the general issue, and give this act, and the special matter in evidence, at any trial to be had thereupon; and if afterwards a verdict shall pass for the defendant or defendants, or if the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer, or otherwise, then such defendant or defendants shall have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs. General issue. Treble costs.

CAP. LXXIX.

An act to explain, amend, and render more effectual, an act, made in the last session of parliament, intituled, An act for transferring the receipt and management of certain duties therein mentioned from the commissioners of excise, and the commissioners of stamps, respectively, to the commissioners for the affairs of taxes; and also for making further provisions in respect to the said duties so transferred; *and for making certain provisions respecting oaths to be administered by the commissioners for the duties on houses, and windows or lights, or any other duties put under their management.*

WHEREAS *an act was made in the twenty-fourth year of his present Majesty's reign, intituled,* An act for granting to his Majesty certain duties on horses kept for the purpose of riding, and on horses used in drawing certain carriages, in respect whereof any duty of excise is made payable; *and also another act was passed in the twenty-fifth year of his present Majesty's reign, intituled,* An act for transferring the receipt and management of certain duties therein mentioned from the commissioners of excise; and the commissioners of stamps, respectively, to the commissioners for the affairs of taxes; and also for making further provisions in respect to the said duties so transferred; *it is by the said first recited act enacted, That every person who shall keep or use any horse, mare, or gelding, for the purpose of riding, shall yield and pay annually for every such horse, mare, or gelding, the sum of ten shillings: and whereas it is reasonable that persons in circumstances herein-after described shall not be charged with the said duty by the said first recited act imposed:* be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of *April,* one thousand seven hundred and eighty-six, no person or persons who shall keep any horse, mare, or gelding, which shall be used truly, and without fraud, for the purpose of husbandry, or of drawing any carriage (except such as was heretofore liable to any excise duty), or carrying burdens in the course of the trade or occupation of the person or persons to whom such horse, mare, or gelding shall belong, shall, in respect thereof, be chargeable with the duty by the said herein-before first recited act

Preamble. Act 24 Geo. 3. c. 31; and act 25 Geo. 3. c. 47, recited.

From April 5, 1786, no horse kept for husbandry, or for carriage of burdens in the course of the trade of the proprietor, to be chargeable with the duty

imposed by the 1st recited act, if only rode in cases herein specified.

act imposed, or be construed to be within the intent and meaning of the said first recited act, in case such horse, mare, or gelding, shall not be used for any other purpose of riding, save and except in manner herein-after mentioned; that is to say, When returning from any place to which any load or burthen shall have, by such horse, mare, or gelding, been drawn or carried, or in going to any place from whence any load or burthen shall be to be brought back by any such horse, mare, or gelding, or on account of such horse, mare, or gelding having been used for the purpose of riding to procure medical assistance, or for the purpose of riding to or from market, or to or from any place of publick worship, or to or from any election of members to serve in parliament, or to or from any court of justice, or to or from any meeting of the commissioners of taxes; any thing in the said recited act contained to the contrary notwithstanding.

No tax to be levied for horses kept by persons exempted from the poor's rates.

II. And be it further enacted, That no duty shall be imposed, assessed, or levied, by virtue of the said first recited act, for or in respect of any horse, mare, or gelding, whereof the owner or owners, by reason of his, her, or their poverty, is, are, or shall be exempted from the actual payment of the usual taxes, assessments, and contributions, raised, levied, and paid towards the church and poor.

Clause of last recited act, exempting occupiers of farms of not more than 150l. per ann. from tax for horses rode to market or church only, repealed.

III. *And whereas, by the said recited act of the twenty-fifth year of his present Majesty's reign, it is enacted, That the assessments made under the authority of that act should be made for all horses whatsoever which shall, on any occasion whatsoever, be used for the purpose of riding, or in drawing any carriage (then subject to any excise duty); and it is provided, that upon any appeal, where proof should be made upon oath that such horse, for which any person, occupying a farm not worth more than one hundred and fifty pounds* per annum, *should have been so assessed, had been only used for the purpose of riding to or from market, or church, or other place of publick worship, and to no other place, or for no other purpose of riding, it might be lawful for the commissioners to make an abatement of the whole duty from the charge against the person to whom such horse shall belong*; be it therefore further enacted, That the said recited clause and proviso shall be, and the same is hereby repealed.

Persons occupying farms of less than 70l. per ann. not chargeable with duty for horses used in husbandry, and only rode occasionally.

IV. And be it further enacted, That no person occupying a farm, the rent or value of which shall be less than seventy pounds a year, and making a livelihood solely thereby, shall be chargeable with the duty by the said before recited act imposed for or on account of any horse, mare, or gelding, being occasionally used in riding; provided such horse, mare, or gelding, be *bona fide* kept and usually employed for the purposes of husbandry; any thing in the said recited act to the contrary notwithstanding.

V. *And whereas several persons may have, unintentionally, omitted to take, in due form and manner, the several oaths required by the several acts of parliament relative to the duties on houses, and windows or lights, or any other duties put under the management of the commissioners*

commissioners for the said duties on houses, and windows or lights: and whereas in some of the said acts there is no express provision made for the administering the oaths thereby required: be it therefore further enacted, That all and every person and persons, lawfully qualified to act as commissioner or commissioners for the said duties on houses, and windows or lights, who have already acted, or, on or before the first day of *October*, one thousand seven hundred and eighty-six, shall act in the execution of any act or acts of parliament relative to the said duties on houses, and windows or lights, or any other duties now placed under the management of the commissioners for the said duties on houses, and windows or lights, although such person or persons may not have taken the several oaths so required to be taken by such person or persons, shall be, and he and they is and are hereby indemnified from any penalty or penalties incurred by reason of such omissions; and all meetings and acts of the said commissioners which have been, or shall have been on or before the said first day of *October*, one thousand seven hundred and eighty-six, had or done pursuant in all other respects to the said acts respectively, shall be, and are hereby declared to be valid and effectual to all intents and purposes.

Persons legally qualified, who shall act as commissioners for the duties on houses, &c. before Oct. 1, 1786, indemnified from penalties for not having taken the oaths required.

VI. And be it further enacted, That all and every the oath or oaths, required by the said acts relative to the duties on houses, and windows or lights, or any other duties put under the management of the said commissioners for the duties on houses, and windows or lights, or any of them, or which may be requisite or necessary for carrying the said acts, or any of them, into execution, shall and may be administered by any two or more of the commissioners within each county, city, or place respectively, and they are hereby authorised to administer the same.

Two commissioners may administer oaths.

VII. And it is hereby declared and enacted, That it shall and may be lawful for any two or more of the commissioners for the duties on houses, and windows or lights, or any other duties put under their management, to administer to any other commissioner for the said duties, for the same county, city, or place, the oaths required to be taken by such commissioners, although the said commissioners administering the same have not themselves previously taken the said oaths.

Two commissioners may administer the oaths to other commissioners, though they should not have taken them themselves.

CAP. LXXX.

An act for further continuing certain acts therein mentioned, relating to the further punishment of persons going armed or disguised, in defiance of the laws of customs or excise; and to the preventing the committing of frauds by bankrupts.

WHEREAS *an act was made in the nineteenth year of the reign of his late Majesty, (intituled,* An act for the further punishment of persons going armed or disguised, in defiance of the laws of customs or excise; and for indemnifying offenders against those laws, upon the terms therein mentioned; and for relief

19 Geo. 2. c. 34. recited; and so much thereof as relates to per-

sons going armed or disguised, in defiance of the laws of customs and excise, and to the relief of officers in informations to be continued till Sept. 29, 1788.

relief of officers of the customs in informations upon seizures), *which was to continue in force for seven years, and from thence to the end of the then next session of parliament; and which, by several acts of the twenty-sixth and thirty-second years of the reign of his said late Majesty, and the fourth, eleventh, and eighteenth years of the reign of his present Majesty, as to so much thereof as relates to persons going armed or disguised in defiance of the laws of customs and excise, and to the relief of officers of the customs in informations upon seizures, was continued until the twenty-ninth day of* September, *one thousand seven hundred and eighty-five, and from thence to the end of the then next session of parliament: and whereas it is expedient further to continue the same*; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That so much of the said act of the nineteenth year of the reign of his late Majesty, as relates to persons going armed or disguised, in defiance of the laws of customs and excise; and to the relief of officers of the customs in informations upon seizures, and all and every the methods, orders, directions, rules, proclamations, penalties, punishments, rewards, matters, and things, provided, settled, ordered, directed, imposed, given, and required, by the said act of the nineteenth of his said late Majesty, relative to the surrender, proclaiming, apprehending, harbouring, and punishing such offenders, shall be, and the same is hereby further continued until the twenty-ninth day of *September*, one thousand seven hundred and eighty-eight, and from thence to the end of the then next session of parliament.

5 Geo. 2. c. 30, continued till Sept. 29, 1788.

II. *And whereas it is expedient also to continue the law herein-after mentioned*, be it therefore further enacted by the authority aforesaid, That an act, made in the fifth year of the reign of his late majesty King *George* the Second, (intituled, *An act to prevent the committing of frauds by bankrupts*), which was to continue in force from the twenty-fourth day of *June*, one thousand seven hundred and thirty-two, for the space of three years, and from thence to the end of the then next session of parliament; and which, by several subsequent acts, made in the ninth and sixteenth years of his said Majesty's reign, was further continued until the twenty-ninth day of *September*, one thousand seven hundred and fifty; and by an act, made in the twenty-fourth year of the reign of his said late Majesty, was amended, and further continued until the first day of *September*, one thousand seven hundred and fifty-seven; and which, by several subsequent acts, made in the thirty-first year of his said late Majesty's reign, and the fourth year of the reign of his present Majesty, was further continued until the twenty-ninth day of *September*, one thousand seven hundred and seventy-one; and which by an act, made in the twelfth year of his present Majesty's reign, was amended, and further continued until the twenty-ninth day of *September*, one thousand seven hundred and seventy-five, and from thence to the end of the then next session of parliament; and

and by another act, made in the sixteenth year of his present Majesty's reign, was further continued until the twenty-ninth day of *September*, one thousand seven hundred and eighty, and from thence to the end of the then next session of parliament; and by another act, made in the twenty-first year of his present Majesty's reign, was further continued until the twenty-ninth day of *September*, one thousand seven hundred and eighty-five, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued until the twenty-ninth day of *September*, one thousand seven hundred eighty-eight, and from thence to the end of the then next session of parliament.

CAP. LXXXI.

An act for the more effectual encouragement of the British *fisheries.*

Preamble.

WHEREAS *it is of the utmost importance to the preservation and increase of the wealth, commerce, and naval strength, of this your Majesty's kingdom of* Great Britain, *that the fisheries of your said kingdom should receive every reasonable encouragement which they may from time to time be found to require, and which it is in the power of parliament to bestow*: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *June*, one thousand seven hundred and eighty-seven, for the space and term of seven years thence next ensuing, and from thence to the end of the then next session of parliament, a bounty of twenty shillings *per* ton shall be paid annually, in the manner herein-after prescribed, to the owner or owners of every decked vessel, of not less than fifteen tons burthen, manned and navigated according to law, which shall be fitted out for, and employed in the *British* white herring fishery, in the manner and under the regulations herein-after directed and provided.

From June 1, 1787, an annual bounty of 20s. per ton granted for 7 years, to owners of ships of 15 tons and upwards, employed in the white herring fishery.

II. And be it further enacted, That every buss or vessel, in order to be deemed properly fitted out for and duly employed in the said fishery, so as to entitle the owner or owners thereof to the said bounty of twenty shillings *per* ton hereby granted, according to the true intent and meaning of this act, shall be a decked buss or vessel built in *Great Britain*, after the first day of *January*, one thousand seven hundred and eighty, and shall have on board, (barrelled up in new barrels) twelve bushels of salt for every last of fish which such buss or vessel is capable of containing, and as many more new barrels as such buss or vessel is capable of carrying, and also two hundred and fifty square yards of netting for each ton of buss measurement, together with the customary quantity of other materials for the equipment and mounting of the said two hundred and fifty yards of netting in the fishery business, but with liberty to make use of such nets therein

Particulars required to entitle vessels to the bounty.

therein as ſhall be found beſt adapted to the ſaid fiſhery; and ſhall have on board not leſs than five men for the firſt fifteen tons, and one additional man for every five tons by which ſuch buſs or veſſel ſhall exceed fifteen tons, and ſo ſtored, accoutered, furniſhed, and manned, ſhall clear out of ſome port in *Great Britain*, at ſome time between the firſt day of *June* and the firſt day of *October* in one and the ſame year, and ſhall proceed immediately upon the ſaid fiſhery, and ſhall there begin and continue to fiſh, in an orderly, regular manner, without impeding or obſtructing any other veſſel which ſhall be employed in the ſaid fiſhery, for the ſpace of three months at the leaſt, to be computed from the day upon which the maſter and crew of ſuch buſs or veſſel ſhall firſt ſhoot or wet their nets, unleſs ſuch buſs or veſſel ſhall, within that ſpace of time, return into port with a full cargo of fiſh, taken wholly by the maſter and crew of ſuch buſs or veſſel.

No veſſel to be entitled to the bounty, unleſs it proceeds on the fiſhery directly from the port to which it belongs, &c.

III. Provided always, and be it further enacted, That no perſon or perſons ſhall be intitled or allowed to receive the bounty herein-before granted, for any buſs or veſſel which ſhall not proceed directly upon the ſaid fiſhery from that part of the united kingdom to which ſuch buſs or veſſel ſhall belong, and where the owner or owners, or any one or more of the owners of ſuch buſs or veſſel ſhall reſide; and that the maſter and owner or owners of ſuch buſs or veſſel ſhall take out a licence, to proceed on her intended voyage, from the collector or comptroller of the port where ſuch buſs or veſſel was *bona fide* manned, victualled, furniſhed, accoutered, and fitted out for her then intended voyage; any thing in this act, or any law, cuſtom, or uſage, to the contrary notwithſtanding.

Officers of the cuſtoms to examine veſſels, and certify particulars to the commiſſioners.

IV. Provided alſo, and be it further enacted, That before any ſuch buſs or veſſel ſhall proceed on ſuch voyage, or be intitled to the benefit of this act, ſuch buſs or veſſel ſhall be viſited by ſuch officer or officers of the cuſtoms belonging to the port where ſuch buſs or veſſel ſhall be cleared outwards, as ſhall be appointed by the commiſſioners of the cuſtoms for that purpoſe; which officer or officers ſhall examine ſuch buſs or veſſel, and take an account of the tonnage thereof by admeaſurement, and ſhall certify to the ſaid commiſſioners ſuch his or their viſitation, examination, and admeaſurement, and that ſuch buſs or veſſel hath on board (as the fact may be) ſuch a quantity of fiſhing nets, and other ſtores to be uſed in the ſaid fiſhery, as herein-before mentioned, and is otherwiſe a proper veſſel to be employed in the ſaid fiſhery; and thereupon, in caſe the owner or owners, or one or more of the owners, or his or their reſpective agent or agents, and alſo the maſter or chief officer of ſuch ſhip or veſſel, ſhall make oath, in writing, before the collector or comptroller of ſuch port (who is hereby impowered and required to take and adminiſter the ſame) to be ſubſcribed to the ſaid certificate, that it is really and truly their firm purpoſe and determined reſolution, that ſuch buſs or veſſel, as then manned, furniſhed, and accoutered, ſhall proceed imme-

Oath to be made of the veſſel's being to proceed immediately on the fiſhery,

immediately upon the *British* white herring fishery, there to continue fishing, in an orderly, regular manner, for the space of three calendar months at the least (unless such buss or vessel shall sooner obtain a full lading of fish), without impeding or obstructing any other vessel which shall be employed in the said fishery; and if, after such certificate had, and oath made, such owner or owners, or some or one of such owners, or his or their respective agent or agents, and also the master or chief officer of such buss or vessel, shall also become bound, with two sufficient sureties, unto his Majesty, his heirs and successors, in the penalty of such sum as shall be equal to treble the bounty on the tonnage of such buss or vessel intended by this act, (which bond the collector, with the approbation of the comptroller, is hereby required to accept, and is to be in force for the space of three years against the parties thereby becoming bound for the faithful dealing of the said master and his crew, in regard to the said buss or vessel, and voyage), then, and in such case, it shall and may be lawful for the collector and comptroller of such port to give and grant, and they are hereby required to give and grant, to the owner or owners and master of such buss or vessel, full licence and authority to proceed on such voyage as aforesaid.

and security given for the faithful conduct of the crew,

which is to intitle them to licences for the voyage.

V. And be it further enacted, That on the return of any such buss or vessel into any port of *Great Britain* for the discharge of such buss or vessel, the chief officer of the customs, or such other officer of the customs as he shall appoint at such port, shall immediately repair on board of such buss or vessel, and view the condition thereof, and of its lading, and certify the same, together with his observations thereon, and also the real tonnage of such buss or vessel, and the names of the master and other persons on board; and the master or chief officer of such buss or vessel shall also make oath before the collector or comptroller of such port (who is hereby impowered and required to administer the same), to be written on the back of, or annexed to, the licence granted as aforesaid (which the said master is hereby required to deliver up), that such buss or vessel did, without delay, proceed from the port in such licence mentioned, upon its last clearance from thence outwards, to or upon the *British* white herring fishery, and did there remain and continue employed in fishing for herrings or other fish, according to law, from the day of to the day of (expressing the respective days of beginning and ceasing to fish); and that, during all that time the quantity of nets and other stores, and number of men, by law required, were on board of the said buss or vessel or employed in the lawful prosecution of the said fishery, and that the said buss or vessel hath not, since its said last clearance outwards from the said port, been on any other voyage, or pursued any other design or view of profit than that of taking fish, and salting or curing the same, or salting or curing other fresh fish, lawfully purchased at sea; and that all the fish brought into

Officers of the customs, on the return of a ship, to certify her condition,

and oath to be made that she has answered to the terms required;

port by the said buss or vessel were taken by the crew belonging thereto, or (in case of such buss or vessel not returning till after the expiration of three months) were purchased of *British* subjects; which certificate, licence, and oath, together with an account of the fish taken by the said buss or vessel, shall be transmitted by the said collector or comptroller, in case the said buss or vessel departed with such licence from any port within that part of *Great Britain* called *England*, to the commissioners of the customs for *England*; and in case such buss or vessel departed with such licence from any port within that part of *Great Britain* called *Scotland*, to the commissioners of the customs or excise for *Scotland*: and such commissioners respectively, being fully satisfied of the faithful dealing of the master, and other persons employed or concerned in such buss or vessel, with respect to such voyage and fishing, shall, on demand, cause payment to be made to the owner or owners, or to his or their assigns, by the receiver-general of the customs or excise, as the case shall happen, the sum of twenty shillings *per* ton, according to the admeasurement of such buss or vessel, duly certified as aforesaid.

which certificate, with the licence, etc. are to be transmitted to the commissioners, who are to order the bounty to be paid.

VI. Provided always, and be it further enacted, That the owner or owners of any buss or vessel which shall return into port from the said fishery with a less number of men than such buss or vessel is hereby required to have on board, as aforesaid, unless it shall be made appear that the said reduction was occasioned by death, sickness, or desertion, without any default, fraud, or collusion, on the part of such owner or owners, or which shall so return within the said space of three calendar months, to be computed as aforesaid, without a full cargo of herrings, or, having such a full cargo, unless the whole thereof were actually caught and taken by the master and crew belonging to such buss or vessel, shall not be intitled to any bounty on the tonnage of any such buss or vessel respectively; any thing in this act contained to the contrary thereof notwithstanding.

Vessels returning with less than the proper number of men, or without a full cargo, not to be entitled to bounty.

VII. And be it further enacted, That it shall and may be lawful to and for the commissioners of his Majesty's customs in *England* and *Scotland* respectively, to order the said bounty to be paid by the receiver-general or cashier of the customs for that part of *Great Britain* from whence the buss or vessel, in respect whereof the same shall be payable, shall have departed, as herein-before directed, out of any money in the hands of such receiver-general or cashier, arising from any duties, revenues, or customs, under the management of such respective commissioners; and if the receiver-general or cashier of the customs at *Edinburgh* shall not have sufficient money in his hands to pay the said bounty, the commissioners of his Majesty's customs at *Edinburgh*, or any three of them, shall forthwith give the person or persons, intitled to receive such bounty, a certificate thereof, directed to the commissioners of the excise for that part of *Great Britain* called *Scotland*; which certificate being affixed to the said licence, and other the certificates and documents aforesaid, and being

Bounties to be paid by the receiver-general of the customs, etc.

being produced to the said commissioners of excise, they the said commissioners are hereby authorised and required, on demand, to cause the money, so certified to be due, to be paid by the receiver-general or cashier of the said excise, out of any money in his hands arising from any of the duties and revenue under the management of such commissioners; any law, usage, or custom, to the contrary notwithstanding.

For every barrel of herrings twice packed and completely cured, a bounty of 4s. to be paid:

VIII. And be it further enacted, That, from and after the said first day of *June*, one thousand seven hundred and eighty-seven, for and during the term of seven years, and from thence to the end of the then next session of parliament, for every barrel of herrings twice packed and completely cured, which shall, during any one year, be landed from any buss or vessel, the owner or owners of which, in respect thereof, shall be intitled to the aforesaid bounty of twenty shillings *per* ton, under and by virtue of this act, there shall be paid a bounty of four shillings.

but if the quantity imported exceeds the proportion of two and one half barrels to a ton, or 1s. per barrel above that proportion.

IX. Provided always, and be it enacted, That if the number of barrels of herrings imported by any such buss or vessel shall, in any one year, exceed the proportion of two barrels and the half of one barrel of herrings packed and cured as aforesaid for every ton of the burthen of such buss or vessel, then and in such case there shall be paid, for every barrel so exceeding the said proportion, a bounty of one shilling only, and no more.

Quantity to be computed while in the state of sea steeks, 4 barrels of which are to be deemed equal to 3 of herrings twice packed.

X. Provided also, and be it further enacted, That, for the more effectual prevention of fraud, all herrings, the proprietor or proprietors of which, in respect thereof, shall be intitled to, or claim the said bounties of four shillings and one shilling, or either of them, shall be computed at the time of their being unshipped, while they are in the state in which they are usually denominated *Sea Steeks* or herrings not repacked, and that four barrels of herrings in that state shall be considered as equivalent to three barrels of herrings packed a second time.

XI. *And whereas the said bounties of four shillings, and one shilling, herein-before granted, will afford encouragement to those fisheries alone that are carried on either by decked vessels fitted out under such regulations, and continuing at sea for such time as herein-before respectively mentioned and directed, or by such open boats as are employed on the same coasts with those vessels, and find in the masters of such vessels purchasers of the fish they take; and inasmuch as it is reasonable and expedient, that all industrious fishermen engaged in the herring fishery, should in some measure participate in all such encouragements as parliament shall give to the said fishery*; be it therefore enacted, That for all herrings which shall be landed from any boat or vessel, not intitled to the said bounty of twenty shillings *per* ton, and which shall afterwards be properly salted and cured, there shall be paid a bounty of one shilling *per* barrel.

To boats, not entitled to the bounty of 20s. per ton, a bounty of 1s. per barrel to be paid.

XII. And be it further enacted, That before any bounty granted by this act, shall be paid to the persons intitled to receive the same, every cask or package of herrings on which the

Casks containing herrings intitled to bounty, to be branded.

said bounty shall be demanded, shall be branded, in the sight of the officer of the customs, with an hot iron, in such legible and lasting marks or characters as the commissioners of the customs shall direct, and as may effectually distinguish the casks or packages containing herrings landed from busses or vessels intitled to the said bounty on the tonnage thereof, from such as contain herrings landed from boats or vessels not intitled to such bounty on the tonnage.

Bounties of 4s. and 1s. per barrel to be paid as the bounty of 10s. per ton.

XIII. And be it further enacted, That the said several and respective bounties of four shillings, and one shilling, for every barrel of herrings imported by any such buss, vessel, or boat respectively, as aforesaid, shall be paid and payable by such and the same person or persons and in such and the same manner as the said bounty of twenty shillings *per* ton shall be paid or payable by and under, and by virtue and according to the true intent and meaning of this act, upon a debenture or certificate to be prepared and granted by the collector or comptroller of the customs in the port were the fish, in respect whereof the said bounty shall be payable, shall be entered, and to be verified by the person executing the office of searcher in such port.

To vessels employed in The Deep Sea Fishery, additional premiums to be paid, viz. for the greatest quantity of herrings imported in one vessel, between June 1, and Nov. 31, 80 guineas;

for the next greatest quantity, 60;

for the next, 40;

for the next, 20.

XIV. *And, for the encouragement of the fishery usually called* The Deep Sea Fishery, *on the north and north-east coasts of this kingdom*; be it enacted, That from and after the said first day of *June*, one thousand seven hundred and eighty-seven, for the space of seven years, and from thence to the end of the then next session of parliament, over and besides the several bounties herein-before granted, there shall be payable and paid the several premiums or sums following; (that is to say), For the greatest quantity of herrings which shall be caught by the crew of any one buss or vessel, the owner or owners whereof, in respect of such buss or vessel, shall be intitled to the said several bounties of twenty shillings *per* ton, and four shillings, and one shilling *per* barrel, herein-before granted, respectively, and which shall be imported or brought in, by such buss or vessel, between the first day of *June* and the thirty-first day of *November*, in any one year, the premium or sum of eighty guineas; and for the next greatest quantity of herrings, which shall be so caught, imported, and brought in as aforesaid, the premium or sum of sixty guineas; and for the next greatest quantity of herrings which shall be so caught, imported, and brought in as aforesaid, the premium or sum of forty guineas; and for the next greatest quantity of herrings which shall be so caught, imported, and brought in as aforesaid, the premium or sum of twenty guineas; each of which said several premiums or sums shall be payable and paid at any time or times after the thirty-first day of *November* in every year, by such and the same person, and in such and the same manner, as the said bounty of twenty shillings *per* ton upon the buss or vessel, the owner or owners whereof in respect of such ship or vessel shall be intitled to such premium or sum, shall be paid or payable under or by virtue and according to the true intent and meaning of this act,

upon

upon a debenture or certificate to be prepared and granted by the collector or comptroller of the customs in the port where the fish in respect whereof the same shall be payable shall be entered, and to be verified by the person executing the office of searcher in such port.

XV. *And whereas it is highly expedient, as well for the purpose of encouraging the fisheries by an extension of the market, as for that of providing a cheap and wholesome article of food for the support of the poor, that all duties now payable by law on such herrings, cod, ling, and salmon, or other fish caught and cured by* British *subjects, as are removed for home consumption, except as herein-after is mentioned, should cease and determine*; be it therefore enacted, That, from and after the said first day of *June*, one thousand seven hundred and eighty-seven, all duties, now payable by virtue of any act or acts heretofore made, and now in force, for or in respect of such herrings, cod, ling, hake, and salmon, or other white fish, caught and cured by *British* subjects, as shall be removed for home consumption (save only and except such equalizing duties as are by this act expressly granted or directed to be continued on salmon, cod, ling, hake, tusk, and other white fish, cured with salt for which the duty hath been paid, and which shall be imported into *England* from *Scotland*), shall cease and determine.

Duties now payable on fish caught and cured for home consumption to cease on June 1, 1787.

XVI. *And whereas, by an act passed in the fifth year of the reign of his late majesty King* George *the First, intituled,* An act for recovering the credit of the *British* fishery in foreign parts, and better securing the duties on salt, *the several bounties, rates, or sums therein and herein-after expressed, were granted and made payable for all such fish therein and herein-after mentioned, as should be exported from any port or place in* Great Britain, *into parts beyond the seas; (that is to say), For every hundred of cod fish, ling, or hake, except dried cod fish, ling, or hake, (commonly called* Haberdine), *which should contain in length fourteen inches or upwards, from the bone in the fin to the third joint in the tail, five shillings; and for every hundred weight of dried cod fish, ling, or hake, (commonly called* Haberdine), *three shillings: and whereas the distinction between the dried cod called* Haberdine, *and dried cod not so called, is found to be useless, inasmuch as little less than the whole quantity of dried cod exported, during the last thirty years, hath been shipped as haberdine, and as it also appears that the value of cod in some of the foreign markets is much diminished by that degree of dryness, which gives it the denomination of haberdine*; be it therefore further enacted, That, from and after the passing of this act, for all such dried cod, ling, or hake, as under and by virtue of the said act, of the fifth year of the reign of his said late majesty King *George* the First, or any subsequent act or acts, would (in case this act had not been made) have been intitled to the said bounty of five shillings *per* hundred thereby granted, there shall be payable and paid the rate or sum of three shillings *per* hundred weight, in such and the same manner, in every respect, as the said

5 Geo. 1. c. 18, recited.

For such fish as heretofore would have been intitled to 5s. per hundred weight on exportation, no more than 3s. to be paid.

said bounty, rate, or sum of three shillings by the said act granted for every hundred weight of dried cod fish, ling, or hake, commonly called *Haberdine*, is or shall be payable by force or virtue thereof; and the said bounty of five shillings *per* hundred shall henceforth be discontinued and repealed, and be no longer paid or payable; any thing in the said act of the fifth year of the reign of his said late majesty King *George* the First, or any other act or acts, to the contrary notwithstanding.

If after Oct. 1, 1786, fish be packed in casks, not branded with the curers names, to be forfeited.

XVII. And be it further enacted, That on all barrels and casks in which any fish whatsoever (except fresh fish) shall, from and after the first day of *October*, one thousand seven hundred and eighty-six, be packed or put up, either for exportation or home consumption, the respective names of the curers of such fish shall be marked and burnt with iron, in fair, large, legible, conspicuous and permanent characters; and that every barrel or cask in which any fish (except fresh fish) shall, from and after the time aforesaid, be packed or put up, and which shall not have the name of the curer thereof marked and burnt as aforesaid, shall and may be seized and secured, by any officer or officers of his Majesty's customs; and upon due proof of the fact being made, on oath, before any one of his Majesty's justices of the peace, every such barrel or cask shall, together with the fish therein contained, be forfeited and lost.

After June 1, 1787, the staves of barrels in which white herrings are packed for exportation must be half an inch thick, and full bound, or forfeited.

XVIII. And be it further enacted, That the staves of every barrel, in which any white herrings or wet white fish shall, from and after the said first day of *June*, one thousand seven hundred and eighty-seven, be packed or put up for exportation, shall not be of a less thickness at the bulge than half an inch, and that every such barrel shall be full bound, and that every barrel in which such fish shall be so packed or put up, and which shall be found to be of less thickness than as aforesaid, or not full bound, shall and may be seized and secured by any officer or officers of his Majesty's customs; and upon due proof of the fact being made, on oath, before any one of his Majesty's justices of the peace, shall, together with the fish therein contained, be forfeited and lost.

Persons who have served as seamen or fishermen 7 years in the fisheries, entitled to the privileges granted by 22 Geo. 2. c. 44.

XIX. *And, for the better encouragement of the fisheries*, be it further enacted, That every person who shall, for the space of seven successive years, have followed the occupation of a seaman or fisherman, on board of any ship or vessel employed in the fisheries of *Great Britain*, (being a married man), may set up and exercise any such trade as he is apt and able for, in any town or place within the kingdom of *Great Britain*, without any let, suit, or molestation of any person or persons whomsoever, for or by reason of the using of such trade, as freely, and with the same provisions, and under the same regulations, and with the like exception in respect to the two universities of that part of *Great Britain* called *England*, as any mariner or soldier may do, by virtue of an act passed in the twenty-second year of the reign of his late majesty King *George* the Second, intituled,

An

An act to enable such officers, mariners, and soldiers, as have been in his Majesty's service since his accession to the throne, to exercise trades.

Fish cured with British salt may be exported from one port to another in the united kingdom for home consumption.

XX. And be it further enacted, That, from and after the passing of this act, it shall and may be lawful to and for any person or persons to carry, from any port or place in the united kingdom of *Great Britain*, to any other port or place in the said united kingdom, for home consumption, any red herrings or white herrings, or any salmon, cod, ling, tusk, or other white fish, cured with salt, made in any part of *Great Britain*.

Duties payable by 29 Geo. 2. c. 23. on the importation of fish cured with salt made in Scotland, to be extended to imported fish cured with salt made in any part of Great Britain, and the regulations of that act extended to this.

XXI. *And whereas the salt, used in the cure of salmon, cod, ling, hake, tusk, and other white fish, taken on the coasts of this kingdom, and removed for home consumption, (save only for the cure of ling and hake, taken by the crews of vessels employed in the white herring fishery during their continuance at sea), is subject to the payment of the salt duties; and, by reason such duties are considerably less in* Scotland *than in* England, *it is just and necessary that a duty should be paid upon the importation into* England, *for home consumption, of cod, ling, hake, salmon, and other white fish, cured in* Scotland *with home-made salt, for which the duties payable in* Scotland *for home-made salt have been there paid or secured, in order to make the said duties payable in* Scotland *on home-made salt used in the curing of such fish, equal to the duties payable on home-made salt used in* England *in the cure of such fish for home consumption*; be it therefore further enacted, That the several rates and duties, which by an act made in the twenty-ninth year of the reign of his late majesty King *George* the Second, intituled, *An act for encouraging the fisheries in that part of* Great Britain *called* Scotland, are made payable on the importation into *England*, of salmon, cod, ling, tusk, and other white fish, cured with salt made in *Scotland*, for which the duty hath been there paid or secured, shall be continued, and the same or the like rates and duties shall, from and after the passing of this act, be extended to, and shall be paid and payable for, all salmon, cod, ling, hake, tusk, and other white fish, brought from *Scotland* into any port or place in *England* for home consumption, cured in *Scotland* with salt made in any part of *Great Britain*, for which the duty hath been paid or secured; and that the several provisions, regulations, and restrictions, in the said act contained or thereby prescribed, for the entry and clearance of such salmon, cod, ling, hake, tusk, and other white fish, cured with salt made in *Scotland*, and for the importation and removal thereof, and for the payment and securing the duties thereby granted in respect thereof, and the several penalties thereby inflicted for any breach, disobedience, or non-observance of the said provisions and regulations, shall be observed, performed, and enforced, in respect to the rates and duties hereby granted, in the same manner as if the same were here repeated and re enacted, any thing herein-before contained to the contrary notwithstanding.

Fish may be carried from

XXII. And be it further enacted, That, from and after the passing

one port to another in Britain for exportation, on oath being made that they were caught in Britain, and cured with home-made salt.

passing of this act, it shall and may be lawful to and for any person or persons to carry from any port or place in the said united kingdom of *Great Britain*, to any other port or place in the said united kingdom, for exportation to foreign parts, any red herrings or white herrings, or any salmon, cod, ling, tusk, or other white fish, the owner of the fish, or master of the vessel, making oath before the chief officer of the customs, or his deputy (who is hereby required to administer the same), that such fish were caught in *Great Britain*, or on the coast thereof, and cured with salt delivered duty-free from some part of the said united kingdom of *Great Britain*, and when and where, and to whom the said salt was so delivered.

Fish so brought coastwise for exportation to be entitled to the bounties of 5 Geo. I. c. 18, and to be subject to the regulations thereof.

XXIII. And be it further enacted, That, from and after the passing of this act, all such red herrings, white herrings, salmon, cod, ling, tusk, or other white fish, so brought or conveyed coastwise from one port or place of the said united kingdom of *Great Britain* to another, shall, upon exportation thereof, or any part thereof, to foreign parts, be intitled to the same allowances or bounties as by the said act, passed in the fifth year of the reign of his late majesty King *George* the First, are granted on the exportation of fish cured in *Great Britain*, such fish being subject to the same rules and regulations to prevent the relanding or reimporting thereof, after clearance outwards for exportation to foreign parts, and the owner or owners thereof being subject to the same penalties in case of such relanding, or any other fraudulent proceeding, in order to obtain the said bounties, as by the said act are prescribed or inflicted in regard to fish cured and exported from *Great Britain*, any thing in the same, or any other act contained to the contrary thereof in any wise notwithstanding.

Bounties on exportation of fish carried from England to Scotland, to be paid by the customs in England, on debenture from the officer at the port of exportation.

XXIV. Provided always, and be it further enacted, That no allowance or bounty upon such exportation to foreign parts as aforesaid, of any red herrings, white herrings, salmon, cod, ling, tusk, or other white fish, so brought or carried coastwise from any port or place in that part of *Great Britain* called *England*, to any port or place in that part of *Great Britain* called *Scotland*, shall be paid in that part of *Great Britain* called *Scotland*; but that the chief officer of the customs, or his deputy, at the port or place from which such fish shall be so exported to foreign parts, shall, upon the request of the person or persons exporting the same, and oath made before the said chief officer or his deputy (who are hereby respectively empowered to administer the same) of the shipping of the said fish, and its not being relanded, or intended to be relanded, in *Great Britain*, give a debenture under his hand, without delay, fee, or reward, for payment of the said allowances or bounties; which debenture being produced to the commissioners of the customs, in that part of *Great Britain* called *England*, shall entitle the exporter of such fish, or his assigns, to the payment of the allowances or bounties granted by the said recited act of the fifth year of King *George* the First; and the said commissioners are hereby required

required to pay the same out of any money remaining in their hands, arising by any branch of his Majesty's customs, regard being had to the priority of the dates of the said debentures in the payment thereof.

Bounties on exportation of fish carried from Scotland to England, to be paid in Scotland, on debenture of the officer at the port of exportation.

XXV. Provided always, and be it further enacted, That no allowance or bounty upon such re-exportation as aforesaid, of any red herrings, white herrings, salmon, cod, ling, tusk, or other white fish, so carried coastwise from any port or place in that part of *Great Britain* called *Scotland*, to any port or place in that part of *Great Britain* called *England*, shall be paid in that part of *Great Britain* called *England*; but that the chief officer of the customs, or his deputy, at the port or place from which such fish shall be so exported to foreign parts, shall, upon the request of the person or persons exporting the same, and oath made before the said chief officer or his deputy, (who are hereby respectively empowered to administer the same), of the shipping of the said fish, and its not being relanded, or intended to be relanded in *Great Britain*, give a debenture under his hand, without delay, fee, or reward, for payment of the said allowances or bounties; which debenture being produced to the commissioners of the customs, or to the commissioners of the excise, (at the option of the importer, or his assigns), in that part of *Great Britain* called *Scotland*, shall entitle the exporter of such fish, or his assigns, to the payment of the allowances or bounties granted by the said recited act of the fifth year of King *George* the First; and the said commissioners are hereby required to pay the same out of any money remaining in their hands, arising by any branch of his Majesty's customs or excise, regard being had to the priority of the dates of the said debentures in the payment thereof.

Entry to be made, at the port of shipping, of the quantity, etc. where cured, &c.

XXVI. Provided also, and be it further enacted, That the proprietor or proprietors, of such red herrings, white herrings, salmon, cod, ling, tusk, or other white fish, as shall be put on board of any ship or vessel in any port or place in *Great Britain*, to be transported or carried to any other port or place in *Great Britain*, whether for home consumption, or exportation to foreign parts, or his or their respective agent or agents, shall, before such ship or vessel shall depart from the port or place where the same shall be so shipped, make a full and particular entry with the collector, or other principal officer of the customs at such port or place, or his deputy, of the fish so shipped, expressing the number of barrels of wet fish, with the marks and numbers thereof, and the number and weight of each species of dry fish, and declare upon oath that the said fish were cured in *Great Britain*, or on the coast thereof, and whether they were cured with salt delivered duty-free, or with salt for which the duty payable by law hath been paid or secured, and that the salt used in curing such wet or dry fish respectively was taken on board from some port or place in *Great Britain*, and when and where it was so taken on board, and that no drawback for the same hath been had, or is intended to be had, upon

upon the exportation of the said salt, (which oath the said collector, or other principal officer of the customs, or his deputy, is hereby authorised to administer); and is likewise required to grant and deliver to the master of such ship or vessel, without delay, fee, or reward, a certificate or cocquet under his hand, that such entry or entries, and oath or oaths, have been duly made; and the master of every ship or vessel wherein such fish shall be shipped to be carried coastwise as aforesaid, or the proprietor or proprietors of such fish, or his or their respective agent or agents, shall, before landing or putting on shore the said fish, or any part thereof, or putting it on board of any other ship or boat in any port or place of *Great Britain*, deliver the said certificate or cocquet to the proper officer of the customs in the port or place where the same shall be imported, brought in, or landed, or put on board of any other ship or boat, upon pain of forfeiting all such fish as shall be so imported, brought in, or landed, or put on board of any other ship or boat, contrary to the true intent and meaning of this act, and also double the value thereof, together with all the casks or vessels in which such fish shall be found, the same to be recovered of the importer or proprietor of the fish, or of the master of the ship or vessel in which the same shall be imported and brought in; and all officers, as well of his Majesty's customs, as of the duties upon salt, are hereby authorised and impowered to seize all such red herrings, white herrings, salmon, cod, ling, tusk, or other white fish, imported, brought in, landed, or put on board of any other ship or boat, contrary to the true intent and meaning of this act, and also the casks or vessels in which any such fish shall be found as aforesaid.

Officers of the customs to grant certificate of such entry, which is to be delivered by the master previous to his landing the fish, on penalty of forfeiture thereof, etc.

Recital of part of 5 Geo. 1. c. 18.

XXVII. *And whereas, by the said recited act of the fifth year of the reign of King* George *the First, it is enacted, That curers of fish should thenceforth be allowed to take from any salt works, or salt pits, any such quantity of* British *salt, where the same was allowed by law for the curing of fish for exportation, as they should think proper for curing of fish for foreign markets, without paying any duty to his Majesty for the same, such* British *salt being taken from the said salt pits, or salt works, and weighed, in the presence of an officer for the duties on salt, and lodged in a warehouse, under the lock and key of the said officer, as well as the proprietor of the said salt, which* British *salt, so lodged as aforesaid, should remain in the custody of the said officer, jointly with the said proprietor, during the several intervals of the several fishing seasons; the proprietor or proprietors, or his or their agent or agents, entering, at the next office for the duty on salt, the quantity of* British *salt so lodged by him or them, from time to time as aforesaid, and the said officer keeping an account of every quantity of the said salt so entered and lodged in his custody as aforesaid; such salt to be delivered to the proprietor or proprietors thereof, or his or their agent or agents, for the purposes, and upon the terms and conditions, and in the manner, and to be used, returned, and accounted for, as in the same act is mentioned and directed; and whereas a doubt hath arisen, whether under or by virtue*

of

of the said last mentioned act, curers of fish, in Great Britain, *are authorised to take* British *salt from any distant salt works, or salt pits, where the same is allowed by law for the curing of fish for exportation, and to ship and remove the same coastwise to any other port or place in* Great Britain, *for the purposes in the same act mentioned, and more especially whether such curers of fish, as reside in that part of* Great Britain *called* Scotland, *are at liberty, under the said act, or any other act or acts, to remove salt coastwise from any salt pits, or salt works, in that part of* Great Britain *called* England, *the existence of which doubt hath in many instances been found detrimental to the said fisheries*; be it enacted, That, from and after the passing of this act, it shall and may be lawful to and for the curers of fish in any part of the united kingdom of *Great Britain*, to take from any salt works, or salt pits, in *Great Britain*, such quantity of *British* salt as they shall think proper, as well for the curing of any kind of fish for exportation to foreign markets, as for the curing of herrings and other fish taken in the herring fishery for home consumption, without paying any duty for the same, and to bring, carry, transport, and remove coastwise, the salt so taken, to any port or place in *Great Britain*, such curers of fish, or their respective agents, before such salt shall be removed from the salt work, or salt pit, entering, at the next office for the duty on salt, the quantity of salt so intended to be removed, and procuring the same to be weighed in the presence of an officer for the duties upon salt before the removal thereof, and also making oath in writing before such officer (to be by him filed in his office for the duty on salt), declaring the true quantity of such salt, and that all the said salt is intended for the curing of fish for exportation, or for the curing of herrings and other fish taken in the herring fishery for home consumption (as the case may be), and that the said salt is intended to be carried, transported, or removed coastwise to such a port or place, (naming the same), and shall not, by their order, consent, or connivance, directly or indirectly be sold, given away, or any ways delivered but for the purpose aforesaid; and also making a full and particular entry of such salt with the proper officer of the customs at the port or place where the same shall be, or is intended to be shipped, for the purpose of being brought, carried, transported or removed coastwise as aforesaid, and also giving security to the said officer, by their bond or obligation, in double the amount of the duties payable by law upon such salt, for the due payment of such duties; and the proprietor or proprietors of such salt so to be brought, carried, transported, or removed coastwise as aforesaid, or his or their agent or agents, shall, on the arrival thereof at the port or place for which it shall have been so shipped and entered as aforesaid, and before the same shall be relanded, make a full and particular entry with the collector, or other principal officer of the customs there, of the salt so brought in and intended to be relanded, expressing the true quantity thereof; and also making oath in writing, before such collector or other officer, that

Salt for the curing of fish taken in the herring season for home consumption, as well as for curing fish for exportation, may be taken duty-free, etc. on the terms herein specified.

Entry to be made at the port of shipping such salt, and bond given;

and like entry to be made at the intended port of relanding it, etc.

that all the said salt was shipped or taken on board at such a port or place, (naming the same), and when the same was so shipped or taken on board, and that all the said salt is intended for the curing of fish for exportation, or for the curing of herrings and other fish taken in the herring fishery for home consumption, (as the case may be), and that no part of such salt, since the same was shipped, hath been, or shall be thereafter, by their order, consent, or connivance, directly or indirectly sold, given away, or any ways delivered, but for the purpose aforesaid, and that no drawback for the same hath been had, or is intended to be had, upon the exportation of the said salt; after which oath the said collector, or other principal officer of the customs, is required to grant and deliver to the proprietor or proprietors of the said salt, or his or their agent or agents, without fee or reward, a certificate, under his hand, that such entry hath been made; upon the production and delivery whereof to the officer of the customs, to whom such bond shall have been given as aforesaid, such bond shall be delivered up to be cancelled; and after such entry and oath made, the proprietor or proprietors of such salt, or his or their agent or agents, shall be at liberty to reland the same in the presence of the proper officer, and such salt, being weighed in the presence of such officer, and lodged in a warehouse, under the lock and key of the said officer, as well as of the proprietor of the said salt, shall be secured, managed, ordered, and dealt with, delivered over, and accounted for, in such and the same manner as is in and by the said recited act of the fifth year of the reign of King *George* the First prescribed or directed, concerning the salt thereby allowed to be taken by curers of fish for exportation, as aforesaid, any thing in the said recited act, or in an act made in the twenty-ninth year of the reign of his late majesty King *George* the Second, (intituled, *An act for encouraging the fisheries in that part of* Great Britain *called* Scotland), or any other act or acts, or any custom or usage, to the contrary notwithstanding.

Officer of the customs to deliver certificate of entry, which is to cancel the bond, etc.

Salt carried coastwise, contrary to this act, to be forfeited, with double its value, besides the duties.

XXVIII. Provided always, and be it further enacted, That if any *British* salt shall be removed from the works or pits, or carried, brought, transported, or removed coastwise, or landed, contrary to the regulations prescribed by this act, and to the true intent and meaning hereof, such salt, and also double the value thereof, over and besides the duties payable for the same, shall be forfeited, to be recovered of the proprietor or proprietors of such salt, or the master of the vessel so carrying, bringing, transporting, or removing the same.

2 Geo. 2. c. 12; and

XXIX. *And whereas by an act passed in the eighth year of the reign of his late majesty King* George *the Second, (intituled,* An act for granting and continuing the duties upon salt, and upon red and white herrings, for the further term of four years; and for giving further time for the payment of duties omitted to be paid for the indentures and contracts of clerks and apprentices) *it is enacted, That, from and after the time therein mentioned, no foreign salt should be delivered over from the joint custody of the officer*

ficer and proprietor into the sole custody of the proprietor, or his agent, for curing fish for exportation, except he or they should give security, to the satisfaction of the chief officer of the salt duty in the port where such salt should be imported, that he or they should and would account for the foreign salt so by him or them to be received, in the terms of, and according to the true intent and meaning of the therein recited acts, made in the fifth and eighth years of the reign of his late majesty King George *the First, or should answer the several penalties in the said acts directed to be recovered from the proprietor offending against the said several acts, or either of them: and whereas by an act, passed in the twenty fifth year of the reign of his present Majesty,* (*intituled,* An act for reducing the allowances for waste on salt and rock salt; for regulating the exportation of salt to *Jersey*, *Guernsey*, *Alderney*, and *Sark*; for repealing the laws allowing the use of foul salt for manure only; for allowing a drawback on the exportation of *Glauber* or *Epsom* salts; for restraining fish curers from being dealers in salt; for regulating the exportation of herring from the *Isle of Man*; for better securing the duties on salt; and for indemnifying persons who have been guilty of offences against the laws relating to the duties on salt); *after reciting that* British *salt, delivered duty-free, for the curing of fish for foreign markets, was liable to frauds for want of security being given as for foreign salt, when delivered over into the curers sole custody at the beginning of the fishing season, it is enacted, That, from and after the first day of* August, *one thousand seven hundred and eighty five, on delivering over such* British *salt from the joint custody of the officer and proprietor, into the sole custody of the proprietor, or his agent, for the curing of fish for exportation, the said proprietor, or his agent, should give security, to the satisfaction of the chief officer of the salt duties, in the port or place where such salt had been lodged, in double the amount of the duties, that he or they should and would account for the same in the terms of, and according to the true intent and meaning of the several acts of parliament made in that behalf, in like manner as the curers of fish then did for foreign salt taken for the curing fish for exportation, by virtue of an act made in the eighth year of the reign of his late majesty King* George *the Second: and whereas the security usually required by the officer of the salt duties, under and by virtue of the said recited acts of the eighth year of the reign of his late majesty King* George *the Second, and the twenty-fifth year of the reign of his present Majesty, being the bond of the proprietor himself, and two sureties, in double or treble the amount of the duties payable for the salt in respect whereof such security is taken, hath been found of great inconvenience to the proprietors, and to operate very much to the discouragement of the fisheries; for remedy whereof,* be it enacted, That, from and immediately after the passing of this act, whenever any salt, foreign or *British*, shall be delivered over from the joint custody of the officer and proprietor, into the sole custody of the proprietor or his agent for curing fish for exportation, such proprietor or his agent, shall not be obliged or required, under or by force or virtue of the

25 Geo. 3. c. 63. in part recited.

Inconvenience having arisen from the two last recited acts,

salt may henceforward be delivered into the custody of the proprietor on his own bond.

the said recited acts of the eighth year of the reign of his late majesty King *George* the Second, and the twenty-fifth year of the reign of his present Majesty, or either of them, or any other act or acts whatsoever, to give any security, by surety or sureties, for the purposes therein expressed, but his own bond, in double the amount of the duties only, and no otherwise, any thing in the said acts, or any of them, contained to the contrary notwithstanding.

Credit to be given on the back of the bond for the quantity of salt accounted for, etc.

XXX. And be it further enacted, That credit for the quantity or quantities of salt, for which such bond shall be given as aforesaid, which shall have been used and duly accounted for, shall, from time to time, be given by the proper officer on the back of the said bond; and also that, when a proper account shall have been rendered of the whole of the salt specified therein, or the duties paid upon the deficiency thereof, the said bond shall be void, and shall be delivered up and cancelled.

Bonds exempted from stamp duties.

XXXI. And be it further enacted, That no bond or other security, to be given by any taker or curer of fish, or the master or owner of any boat, buss, or vessel employed in the *British* fisheries, or in the exportation of fish, or in the conveyance of fish from one *British* port to another, for or in respect of such his occupation or employment, under or by force or virtue of any law or statute now in being, shall be charged or chargeable with any stamp duty whatever, any law, statute, usage, or custom to the contrary notwithstanding.

XXXII. *And whereas evidence hath been laid before parliament of the pernicious effects which the fees or other perquisites of certain of the officers of his Majesty's customs, especially in* Scotland, *have produced on the fisheries of this kingdom, and as the requisition of such fees, however sanctioned by long usage, appears, by the orders of the commons in parliament assembled, in the year of our Lord one thousand six hundred and sixty-two, by virtue of an act of the twelfth year of the reign of his late majesty King Charles the Second, to be contrary to the declared intention expressed in the said orders*; be it

Officers accepting fees to forfeit treble the value, and to be discharged.

further enacted, That, from and immediately after the passing of this act, it shall not be lawful for any officer or officers of his Majesty's customs, to demand, ask, or accept, any fee or other perquisite for or on account of any transaction relative to any vessel or boat employed in the fisheries, or in the transportation from one place to another of fish, or of salt for the use of the fisheries, or for or on account of the payment of any bounty or debenture on fish; and in case any such officer or officers shall demand, ask, or accept any such fee or other perquisite as aforesaid, he or they (being thereof lawfully convicted) shall forfeit and pay treble the amount or value of the sum of money or other thing so by him or them demanded, asked, or accepted, and shall be forthwith discharged from such office or offices, as he or they shall then hold in his Majesty's customs.

XXXIII. *And whereas the fisheries carried on from time immemorial on the coasts of the* Isle of Man, *by the inhabitants thereof, have proved a fruitful nursery of able seamen for the national service:*

and

and whereas, if due and equal encouragement with that granted to his Majesty's other British *subjects, were given to the inhabitants of the* Isle of Man *employed in the said fisheries, they might be further improved and extended, to the advantage of the publick service, and to the increase of the marine, wealth, and force of the kingdom*; be it therefore enacted by the authority aforesaid, That, from and after the first day of *June*, one thousand seven hundred and eighty-seven, the like bounty of one shilling per barrel as above mentioned, shall be paid for all such herrings caught by the inhabitants of the *Isle of Man*, as shall be landed in the said island from any boat or vessel, and shall be afterwards properly salted, cured, and packed, in manner as above directed for *British*-caught herrings; which said bounty shall be exclusive of all bounties payable on exportation of herrings to foreign parts, and shall be payable and paid, with respect to such herrings as shall be landed in the *Isle of Man*, from and out of the surplusage of the annual customs of the said island, over and above the expenditure and civil establishment of the said island, by the receiver general of the customs thereof for the time being, upon the owners of such herrings complying with, and conforming to, the like rules and regulations, and being subjected and liable to the like penalties in case of relanding, or any other fraudulent practices, in order to obtain such bounty, as are by this act directed with regard to *British*-caught herrings landed in *Great Britain*.

From June 1, 1787, the bounty of 1s. per barrel to be paid to the inhabitants of the Isle of Man for herrings caught and cured by them in terms of this act;

XXXIV. And be it further enacted by the authority aforesaid, That, from and after the first day of *June*, one thousand seven hundred and eighty-seven, all such herrings as shall be caught and cured by the inhabitants of the *Isle of Man*, and exported from thence, or from *Great Britain*, to foreign parts, shall, upon exportation thereof, or any part thereof, be intitled to the like allowances or bounties of two shillings and eightpence per barrel on white herrings so exported, and of one shilling and nine-pence per barrel on red herrings so exported, as by an act, passed in the fifth year of the reign of his late majesty King *George* the First, (intituled, *An act for recovering the credit of the* British *fishery in foreign parts; and for better securing the duties on salt*), are granted on the exportation of white and red herrings respectively; which said allowances or bounties shall, on such white or red herrings exported directly from the *Isle of Man* to foreign parts, be payable from and out of the same funds, and in the same manner respectively, as in this present act is provided and directed with respect to the bounty on the landing of herrings in the *Isle of Man*, caught and cured by the inhabitants thereof, as above mentioned; and such allowances or bounties on exportation to foreign parts of white and red herrings respectively, caught and cured by the inhabitants of the said island, and exported from *Great Britain* to foreign parts, shall, on the owner or owners thereof producing due and proper certificates, signed by the collector, comptroller, or other chief officer of his Majesty's revenue of the said island,

and on exportation thereof to be allowed the bounties granted by 5 Geo. 1. c. 18. to be paid, if exported from the Isle of Man, as the bounty of one shilling per barrel is payable there; and if from Great Britain, as the bounty on exportation from Britain, and under the like regulations,

of such owner or owners having taken the like oaths, and of their having conformed to the like provisions and regulations, as by this act are directed in the case of herrings cured in *Scotland*, and exported from *England*, and of herrings cured in *England*, and exported from *Scotland*, be payable from the same funds, and be issued and paid under and subject to the like conditions, restrictions, and regulations, and with the like penalties in case of relanding such herrings, or in case of any other fraudulent practices in order to obtain the said bounties, as by the said recited or by this present act are provided, prescribed, and inflicted, in regard to herrings cured in, and exported from, any part of *Great Britain*, any thing to the contrary thereof in any wise notwithstanding.

Duties now payable on the importation of herrings from the Isle of Man to cease.

XXXV. And be it further enacted by the authority aforesaid, That all duties which are at this time payable by law on such herrings as are caught and cured by the inhabitants of the *Isle of Man*, and imported into *Great Britain*, shall, from and after the passing of this act, cease and determine.

Penalties on officers taking fees to extend to the fisheries of the Isle of Man.

XXXVI. And be it further enacted by the authority aforesaid, That the like restrictions and penalties as are herein before mentioned and provided, with regard to officers asking or accepting of any fee or perquisite for or on account of any transaction relative to the fisheries, shall be, and the same are hereby declared to be extended, in the most full and ample manner, to the fisheries of the *Isle of Man*.

12 Geo. 3. c. 58, in part recited.

XXXVII. *And whereas by an act, made in the twelfth year of the reign of his present Majesty,* (*intituled,* An act for the further encouragement of the herring fishery on the coasts of the *Isle of Man*; and for obviating a doubt which has arisen with respect to the allowing the bounties upon the *British* white herring fishery in the year one thousand seven hundred and seventy-one), *any sort of herrings caught upon the coasts of the* Isle of Man, *and cured there, are allowed to be imported and brought into any part of* Great Britain, *upon payment of the duties therein mentioned, the master, or other person having the charge of the ship so importing such herrings, bringing with him a certificate or certificates from the governor, lieutenant governor, commander in chief, or chief magistrate for the time being, that oath had been made before him or them, in the presence of the officer of the customs for the port or place where such herrings were put on board, that the same were* bona fide *taken on the coasts of the* Isle of Man, *and cured there; which certificate or certificates were also to be attested by the said officer of the customs, and to express the number of barrels, and quantity of such herrings respectively, and the marks of the package expressed in the bill or bills of lading, with the name or names, place or places of abode, of such person or persons as shall have made the oath thereby directed, and where and to whom such herrings shall be consigned in* Great Britain: *and whereas such herrings are frequently exported from parts of the said island so distant and remote from the place of residence of the governor, lieutenant governor, commander in chief, or chief magistrate for the time being, that the exporters thereof cannot, without great*

great inconvenience and expence, make the proof, and obtain the certificate required by the said recited act: now, for the remedy thereof, be it further enacted by the authority aforesaid, That, from and after the first day of *August*, one thousand seven hundred and eighty-six, the said oath, required by the said recited act to be taken before the governor, lieutenant governor, commander in chief, or chief magistrate for the time being, shall and may be administered by the collector, comptroller, or other chief officer of the revenue, at the port or place in the said island where such herrings shall be shipped or loaden, who is and are hereby respectively authorised and required to administer the same, and to grant a certificate thereof in the form and to the effect required by the said recited act, under his hand and seal of office; any thing in the said recited act to the contrary thereof notwithstanding.

From Aug 1, 1786, the oath required by the recited act may be administered by the revenue officer at the port in the Isle of Man where herrings are shipt, &c.

XXXVIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the commissioners of his Majesty's customs, and they are hereby authorised and required to make such addition to the present salaries of the officers, whose incomes shall be reduced by the abolition of such fees, or other perquisites as aforesaid, in lieu of, and by way of compensation and satisfaction for the same, as they in their discretion (having regard as well to the creditable subsistence of the officer as publick œconomy), shall judge necessary, and so order or direct; any thing in this present act, or in any other act or acts contained to the contrary notwithstanding.

Commissioners of customs may add to the salaries of officers in consideration of the abolition of fees.

XXXIX. And be it further enacted, That if any person or persons do presume to counterfeit, erase, or alter any certificate, debenture, or cocquet, by this act directed to be made, or shall use any such certificate, debenture, or cocquet, knowing the same to be so counterfeited, erased, or altered, such person or persons shall be liable to such and the same punishment as by the laws and statutes of this realm is provided for persons convicted of forgery.

Persons counterfeiting certificates, &c. to be punished as forgers.

XL. And be it further enacted, That if any person, in making any oath directed or required to be made by this act, shall wilfully and falsely swear any matter or thing which, if the same had been sworn in any cause or suit depending in any of his Majesty's courts would have amounted to wilful and corrupt perjury; every person so offending, and being thereof lawfully convicted, shall be liable to such and the same punishment as by the laws and statutes of this realm is provided for persons convicted of wilful and corrupt perjury.

Persons making false oaths to be deemed guilty of perjury.

XLI. And be it further enacted, That all the penalties and forfeitures herein-before given by this act, shall be distributed in manner following; that is to say, One moiety thereof to his Majesty, his heirs and successors, and the other moiety to any person or persons who shall seize, inform, or sue for the same, and shall be sued for, recovered, levied, prosecuted, and determined, by bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*,

How penalties are to be applied and recovered.

Scotland, respectively, wherein no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed.

XLII. And be it further enacted, That if any person or persons shall happen to be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, such person
General issue. or persons shall or may plead the general issue, and give this act, and the special matter in evidence; and if upon trial a verdict shall pass for the defendant or defendants, or if the plaintiff or plaintiffs shall become nonsuited, discontinue, or forbear prosecuting such action or actions, then such defendant
Double costs. or defendants shall be intitled to double costs against such plaintiff or plaintiffs, for which he or they shall have the like remedy as a defendant can have in any case where costs are given him by law.

1 Geo. 1. c. 18; and

XLIII. *And whereas, by virtue of an act passed in the first year of the reign of his late majesty King* George *the First, intituled,* An act for the better preventing fresh fish, taken by foreigners, being imported into this kingdom, and for the preservation of the fry of fish; and for the giving leave to import lobsters and turbets in foreign bottoms; and for the better preservation of salmon within several rivers in that part of this kingdom called

9 Geo. 2. c. 33. recited.

England: and also, of an act passed in the ninth year of the reign of his late majesty King George *the Second, intituled,* An act to render the law more effectual for preventing the importation of fresh fish taken by foreigners; and to explain so much of an act made in the thirteenth and fourteenth year of the reign of King *Charles* the Second, as relates to ships exporting fish to the ports of the *Mediterranean Sea*; and for the better preservation of the fry of lobsters on the coast of *Scotland*; *no herring, cod, pilchard, salmon, or ling, fresh or salted, dry or bloated, nor any grill, mackarel, whiting, haddock, sprats, coal-fish, gull-fish, tongers, or any sort of flat fish, nor any other sort of fresh fish whatsoever (except turbets and lobsters), can be legally imported into, sold, or exposed to sale in that part of this kingdom of* Great Britain *called* England, *which shall be taken by, bought of, or received from, any foreigner or foreigners, or out of any stranger or strangers bottom (except protestant strangers), inhabiting this kingdom; and every person offending by such illegal importation, sale, or exposal to sale, is liable to forfeit and pay the sum of one hundred pounds, to be recovered by any informer, in any of the courts in* Westminster Hall, *and to be distributed and disposed of in the manner following (that is to say); One moiety thereof to the informer, and the other moiety thereof to the poor of the parish where such offence shall be committed; and the master or commander of every such smack, boy, yager, boat, ship, or other vessel, in which any fish shall be so illegally imported, or brought to shore, is also liable to forfeit and pay the sum of fifty pounds, to be recovered by any informer, and to be disposed of as aforesaid; provided that no person shall incur any such penalty or forfeiture, unless the prosecution for the same be commenced within twelve months after the offence committed: and whereas the provisions made by the said recited acts are found, by experience, to be ineffectual, and not sufficient to restrain ill disposed*

persons

persons from buying and receiving fresh fish (other than turbets, lobsters, and eels) from foreigners or strangers, and importing and selling such fish in this kingdom, contrary to the tenor and express meaning of the said acts; and, by reason of the great delay and expence attending the prosecution of the offenders, and the great difficulty of procuring sufficient evidence for the recovery of the said penalties under the said acts, persons are discouraged from suing for such penalties, and the said offenders escape with impunity: for remedy whereof, and to the intent a practise so injurious to the British *fisheries, and so obviously detrimental to the naval interests of this kingdom, may be the more effectually suppressed and prevented*, be it further enacted, That if, upon complaint or information, upon oath, made before any two justices of the peace (having competent jurisdiction in this behalf), it shall appear that such officer or officers doth or do know, or is or are credibly informed, or hath or have cause to believe or suspect, that any fish hath been imported or brought into, or sold or exposed to sale, in the port of *London*, contrary to the tenor and true intent and meaning of the said recited acts of the first year of the reign of King *George* the First, and the ninth year of King *George* the Second, and of this present act, or any of such acts, it shall and may be lawful to and for the said justices to summon the person or persons who shall be charged by such complaint or information, to appear before them, at a time and place to be specified in the summons; and in case the party or parties so summoned shall not appear according to such summons, then, upon due proof made of the service of such summons, either personally, or by leaving the same at his or their dwelling-house, lodging, or other usual place of abode whilst the party or parties shall be on shore, or not being on shore, with some person in the ship or vessel to which he or they shall then actually belong, to cause such party or parties to be apprehended, by warrant or warrants under the hands and seals of such justices, and to be brought before them at such time and place as shall be specified in and by such warrant or warrants; and thereupon, whether such party or parties shall appear upon such summons, or be apprehended as aforesaid, such justices shall and may proceed to hear the matter of such complaint or information, and to adjudge and determine the same.

If officers suspect fresh fish to have been imported into London contrary to 1 Geo. 1. c. 18; 9 Geo. 2. c. 33. and this act, two justices may summon the parties, and determine the complaint.

XLIV. And be it further enacted, That it shall and may be lawful to and for the said justices, before whom any such complaint or information shall be made as aforesaid, to summon before them any seaman, fisherman, or other person, who shall, in or by such complaint or information, appear to be a necessary witness as to the matter thereby charged, to appear before them, at a time and place to be specified in the summons; and in case such seaman, fisherman, or other person, shall not appear according to such summons, then, upon due proof made of the service of such summons in manner aforesaid, to cause such seaman, fisherman, or other person, to be apprehended by warrant under the hands and seals of such justices, and to be brought before them, and thereupon, whether such seaman, fisherman,

Witnesses refusing to attend may be apprehended, and giving false evidence to be committed for a year to gaol.

or other person, shall appear upon summons, or be apprehended as aforesaid, such justices shall and may proceed to examine him upon oath as to the matter of such complaint or information; and in case such seaman, fisherman, or other person, shall wilfully refuse to be sworn, or to give evidence therein, or shall evidently wilfully forswear himself, or prevaricate in his evidence, it shall and may be lawful to and for such justices, by warrant under their hands and seals, to commit such seaman, fisherman, or other person so refusing to be sworn, forswearing himself, or prevaricating as aforesaid, to the common gaol of the county or place in or for which such justices shall then act, to remain for the space of one whole year, without bail or mainprize.

Written evidence to have the force of viva voce examination.

XLV. And be it further enacted, That the examination of every person so to be examined as a witness as aforesaid, shall be taken down in writing by or before the said justices; and in case the party or parties, charged by such complaint or information, cannot be made to appear at the time of such examination, and such witness cannot be made to attend when such party or parties shall appear, then and in such case such examination in writing shall and may be read and made use of, and shall have the same force and effect as if such witness were then actually present and examined *viva voce*.

How penalties incurred under recited part of 9 Geo. 2. c. 33. are to be recovered and applied,

XLVI. And be it further enacted, That the aforesaid several pecuniary penalties, by the said in part recited act of the ninth year of the reign of King *George* the Second granted or imposed, shall be recoverable by and before any two justices of the peace for any county, division, or place, on due proof and conviction of the offence by the oath of any credible witness, or by confession of the offender or offenders, and that the whole of such penalty or penalties shall belong to the informer or informers making or laying such complaint or information as aforesaid; and in case of the nonpayment of such penalty or penalties, with the charges incident to such conviction, immediately upon such conviction, the same penalty or penalties and charges shall be levied by distress and sale of the goods and chattels of such offender or offenders, by warrant or warrants under the hands and seals of the justices before whom he or they shall have been convicted; and for want of sufficient distress, the offender or offenders shall be sent by the same justices to the common gaol of the county, division, or place, in or for which they shall respectively act, there to remain for the space of one whole year, without bail or mainprize, unless such penalty or penalties shall be sooner paid; any thing in the said last mentioned acts, or either of them, or any other act or acts, contained to the contrary notwithstanding.

XLVII. *And, to the end that the person or persons convicted of any offence for which any such pecuniary penalty, as last aforesaid, is by this act made recoverable, may not by flight or removal after such conviction evade imprisonment, where such penalty shall not be paid upon his or their conviction*; be it further enacted, That it shall and

and may be lawful for the justices before whom any such offender or offenders shall be so convicted as aforesaid, immediately after such conviction to order such offender or offenders into custody (in case the said penalty or penalties due on such conviction be not immediately paid), during such time not exceeding forty-eight hours, as such justices shall think proper to allow for the return of the warrant for levying such penalty by distress and sale as aforesaid.

and if not paid upon conviction, the parties may be imprisoned 48 hours, to give time for levying by distress.

XLVIII. Provided always, and be it further enacted, That if it shall appear to the satisfaction of the justices before whom any such offender shall be convicted as aforesaid, either by the confession of the party convicted, or other witness, that such party hath not goods or chattels sufficient to answer the penalty or penalties by him incurred, then, and in such case, the same justices shall and may, without issuing any warrant of distress, commit the party so convicted, as if such warrant had actually issued, and a return of *nulla bona* been made thereon.

In case of insufficiency of goods, the parties may be committed.

XLIX. Provided also, and be it further enacted, That if any such offender, ordered to be committed to prison under or by virtue of this act, shall, before his actual commitment to prison, procure security to be given by two sufficient securities, to the satisfaction of the justices before whom he shall have been convicted, for payment of the penalty or penalties by him incurred, with the charges incident to his conviction, within the space of fourteen days, exclusive of the day of conviction; then, and in such case, it shall and may be lawful for such justices to accept such security, and upon nonpayment thereof, at the time stipulated for that purpose, it shall and may be lawful for the same justices, or any other justices of the peace for the same county, division, or place, to cause the party convicted, and his sureties, to be apprehended by warrant or warrants under their respective hands and seals, and them to commit to the common gaol of the county, division, or place, in or for which such justices shall act, for such space of time as the party convicted was subject and liable to have been imprisoned, in case no such security had been given, unless such penalty and charges shall be sooner paid.

Security for penalties may be accepted, and if not fulfilled, the party convicted and his sureties may be imprisoned.

L. Provided also, and be it further enacted, That if any person or persons so convicted as aforesaid shall think himself or themselves aggrieved, by the judgement or determination of any justices of the peace, upon any complaint or information in pursuance or by virtue of this act, it shall and may be lawful to and for such person or persons, within the space of three calendar months then next ensuing, to appeal to the general or quarter sessions of the peace to be held for the county, division, or place, in or for which such justices shall have acted, such person or persons so appealing giving, and being hereby required to give, at least six days notice to the informer or informers of such his, her, or their intention to bring such appeal, and of the matter thereof, and shall, with two sufficient sureties, enter into recognizance before some justice or justices of the peace for the same county,

Parties convicted, on finding two sureties, may appeal to the general or quarter sessions; and if the conviction be affirmed, to pay double costs.

county, division, or place, to appear and prosecute such appeal at the said general or quarter sessions, and abide by the order or determination of the same court, and to pay the costs and charges thereby awarded against such person or persons, (if any); and every such appeal shall by the said court of general or quarter sessions be examined, and the circumstances of the case fully enquired into, and the matter finally heard and determined; and in case such judgement, determination, or conviction, so appealed against, shall be affirmed, the party so appealing shall pay unto the informer or informers double costs, to be ascertained by the order of the same court.

Persons having paid the penalty, or being imprisoned, not to find sureties.

LI. Provided also, and be it further enacted, That in case the person or persons so intending to appeal shall have paid the penalty, under any such conviction as aforesaid, into the hands of the said justices by way of deposit, or shall be then imprisoned, such person or persons shall and may appeal to the said general or quarter sessions within the time aforesaid, on his or their entering (without sureties) into such recognizance as herein-before mentioned, and remaining in prison in the mean time, or depositing such penalty into the hands of the said justices, there to remain until the merits of the said appeal shall be heard and determined.

No judgement of the justices to be set aside for want of form, or removed by Certiorari.

LII. Provided also, and be it further enacted, That no such conviction made, or judgement given as aforesaid, shall be set aside by the said court of general or quarter session for want of form, or through the mis-stating of any fact, circumstance, or other matter whatsoever, provided the material facts alledged in such conviction or judgement, and on which the same shall be grounded, be proved to the satisfaction of the said court, nor shall any such conviction or judgement, or any order or proceedings of the said court, be removed or removeable by *Certiorari*, or any other writ or process whatsoever, into any of his Majesty's courts of record at *Westminster*; any law or custom to the contrary notwithstanding.

Actions for offences against 1 Geo. 1. c. 18. & 9 Geo. 2. c. 33. may be commenced within 12 months.

LIII. Provided also, and be it further enacted, That every prosecution in pursuance or by virtue of this act, for any offence against the said several acts of the first year of the reign of King *George* the First, and the ninth year of the reign of King *George* the Second, or either of them, shall and may be commenced within the space of twelve calendar months from the time whereat such offence shall have been committed; any thing in the said acts, or either of them, contained to the contrary notwithstanding.

The powers of former acts to remain in full force, except such as are hereby repealed.

LIV. Provided always, and it is hereby declared, That nothing in this act contained shall extend, or be implied or construed to extend, to repeal or alter any act or acts now in force, or any of the clauses or provisions therein contained, or take away, abridge, lessen, or affect any of the powers or authorities thereby given or granted respectively, for settling or regulating the mode or course to be observed in fitting out for any fishery, or clearance outwards, or entry inwards, or the discharge of any

buss or fishing vessel, or in cellaring, securing, shipping, reshipping, or relanding any salt, to be used for the salting or curing of fish, or in fishing for, catching, salting, curing, storing, landing, removing, marking, or exporting any fish whatsoever, or in the payment or allowance of any bounties thereby respectively granted, on the tonnage or burthen of any buss or vessel, or on any fish to be exported, save only and except so far as any such act or acts, or the clauses, provisions, powers, or authorities therein contained or granted, are specifically or expressly repealed, revoked, altered, or controuled by this present act, or repugnant to any of the provisions herein contained; but that all and singular the said former acts, and the bounties thereby granted, and the several rules, regulations, powers, and authorities therein contained or granted, and the pains, penalties, and forfeitures incurred, or thereby inflicted or provided for any breach or non-observance of the same, except as aforesaid, shall remain and continue in the same force and effect as if this act had not been made; any thing herein contained to the contrary notwithstanding.

CAP. LXXXII.

An act for the more effectually carrying into execution the laws relating to the duties on stamped vellum, parchment, and paper; and for repealing certain stamp duties on policies for insuring property in any foreign kingdom or state from loss by fire.

Preamble.

FOR *the more effectually carrying into execution the laws now in force relating to the duties under the management of his Majesty's commissioners for managing the duties on stamped vellum, parchment, and paper*, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-six, wheresoever any person shall be convicted before a justice or justices of the peace for any offence to be hereafter committed against any act or acts of parliament now in being, or hereafter to be made, touching or concerning any the duties under the management or care of the said commissioners for managing the duties on stamped vellum, parchment, and paper, by which any pecuniary penalty or sum of money shall be forfeited, the said justice or justices of the peace before whom such person shall be convicted of the said offence, shall levy the said pecuniary penalty or sum of money in such manner as in such act or acts of parliament is contained, and apply the same to such uses and purposes, and in such proportions, as are therein contained and expressly directed, in case the same act or acts of parliament, or any other act or acts of parliament relating thereto, shall expressly direct the application thereof; and in default of such express and sufficient directions in such act or acts of parliament for the application of the said pecuniary penalty, or

From July 5, 1786, where penalties are not directed to be applied by former acts, they are to be applied as herein directed.

sum of money so forfeited upon such conviction as aforesaid, then to apply the same in such manner as is herein-after directed.

One moiety of penalties to be to the informer prosecuting within six months, and the other to his Majesty.

II. And be it further enacted by the authority aforesaid, That, from and after the said fifth day of *July*, one thousand seven hundred and eighty-six, one moiety or half part of all pecuniary penalties or forfeitures which shall be incurred by any person or persons for any offence hereafter to be committed against any law now in being, or hereafter to be made, touching or concerning any the said duties (except where a different mode of application is or shall be in the said law specially prescribed) shall belong, and be applied to the informer or informers prosecuting for the same within the space of six calendar months after such offence is committed, and the other moiety or half part of the said pecuniary penalties or forfeitures (the necessary charges for the recovery thereof being first deducted) shall be paid to the use of his Majesty, his heirs and successors, in the manner herein-after directed.

But no part of the penalties to belong to informers not prosecuting in limited time.

III. Provided always, and be it further enacted by the authority aforesaid, That every distribution or division of any pecuniary penalty or forfeiture, directed to be made by this or any other act or acts of parliament touching any of the said duties, upon conviction before a justice or justices of the peace as aforesaid, shall be, and is hereby restricted and confined to the prosecuting for the same within the time herein-before limited; and that in default of such prosecution within the time aforesaid, no informer or informers before a justice or justices of the peace as aforesaid, shall have or be entitled to any part or share of such penalty or forfeiture, but that the whole thereof shall belong to his Majesty, his heirs and successors, and shall be recoverable by any the ways and means in or by any such act or acts of parliament in that behalf directed; any thing in this, or any the said acts, contained to the contrary notwithstanding.

His Majesty's share of penalties to be paid to receiver-general of stamps, who is to pay the same into the exchequer by Aug. 1, annually, to be applied as former penalties.

IV. And be it further enacted by the authority aforesaid, That, from and after the passing of this act, all penalties or forfeitures, and shares of penalties or forfeitures, which shall be due or payable to his Majesty, his heirs or successors, by virtue of this or any of the said acts of parliament, or any other act or acts of parliament now made, or hereafter to be made, touching any the said duties, shall, from time to time, be paid into the hands of the receiver-general of the duties on stamped vellum, parchment, and paper, for the time being, (or some other person to be authorised by the said commissioners, or the major part of them, to receive the same), who shall keep a separate and distinct account thereof, and pay the same (the necessary charges of paying and accounting for the same being deducted) into the receipt of the exchequer on or before the first day of *August*, in every year, unless the same shall be a *Sunday* or holiday, and then on the day following which shall not be an holiday; and in the office of the auditor of the said receipt there shall be provided and kept a book or books, in which all the monies

monies arising from the penalties or forfeitures due or payable to his Majesty, his heirs or successors, for any offence or offences committed against any act or acts of parliament now or hereafter to be made touching any of the said duties on stamped vellum, parchment, or paper, and paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies paid or payable to his Majesty, his heirs or successors, upon any account whatsoever; and the said monies so to be paid into the said receipt of exchequer as aforesaid, shall be issued and applied to the use of his Majesty, his heirs and successors, in such manner, and to such purposes, as the said penalties and forfeitures were paid or applied, or ought to have been paid or applied, before the making of this act, and to no other use, intent, or purpose whatsoever.

Justices to cause convictions to be made out in the following form.

V. And be it further enacted by the authority aforesaid, That, from and after the passing of this act, in all cases where any pecuniary penalty or forfeiture for any offence committed against this, or any act or acts of parliament now or hereafter to be made, touching any the duties under the management or care of the said commissioners for managing the duties on stamped vellum, parchment, and paper, shall be incurred, it shall and may be lawful for the justice or justices of the peace, before whom any person or persons shall be convicted of the said offence, to cause the conviction upon the same offence to be made out in the form, or to the effect following, *mutatis mutandis*, as the case shall happen to be; any thing in any former act contained to the contrary thereof notwithstanding; and every such conviction shall be good and effectual to all intents and purposes whatsoever, without stating the case or the facts or evidence in any more particular manner; that is to say:

Form of conviction.

BE *it remembered, That on the day of in the* A. B. *of was duly convicted before me* C. D. *one of his Majesty's justices of the peace for the county of* (or *before us* C. D. *and* E. F. *two of his Majesty's justices of the peace for the county of* as the case shall happen to be), *in pursuance of an act, passed in the year of the reign of for that the said* A. B. *on the day of now last past, did* (here state the offence against the act, as the case shall happen to be), *contrary to the form of the statute in that case made and provided; and I* (or *we*, as the case may be) *do declare and adjudge that he the said* A. B. *hath forfeited, for his said offence, the sum of of lawful money of* Great Britain, *which sum of I* (or *we*, as the case may be) *do hereby mitigate to the sum of* (here state the mitigated penalty, if necessary) *to be distributed as the law directs. This is the first, second, or other offence*, (as the case shall happen to be).

Given

Given under my hand and seal, (or, *our hands and seals*, as the case may require), *this day of*

Convictions to be filed by the clerk of the peace, and not removeable by Certiorari, but subject to appeal to the quarter sessions.

Which conviction the said justice shall cause to be wrote fairly upon parchment, and returned to the next general quarter sessions of the peace for the county, riding, shire, stewartry, or place, where such conviction was made, to be filed by the clerk of the peace, and there to remain and be kept among the records of the same county, riding, shire, stewartry, or place; and no such conviction shall be removed by *Certiorari*, into any court whatsoever, but shall be subject to appeal before the justices of the quarter sessions, in such manner as in and by any such act or acts of parliament is specially directed.

From Aug. 1, 1786, in prosecutions where offenders may be deemed guilty of felony, it shall be sufficient to prove the evidence acted under the commissioners, without producing his deputation.

VI. *And whereas great difficulties have frequently arisen upon the trial of divers informations, indictments, and other prosecutions for offences committed against his Majesty's revenue on stamped vellum, parchment, and paper, by requiring strict proof of the commissions, deputations, or other authorities under which the said commissioners, and the officers, and other persons appointed and employed by them to carry the same into execution, have acted; for remedy thereof*, be it further enacted by the authority aforesaid, That, from and after the first day of *August*, one thousand seven hundred and eighty-six, if upon trial of any information, indictment, or other prosecution, for any offence committed against any act or acts of parliament touching or concerning the said duties, or any of them, whereby any person or persons shall or may be deemed or construed to be guilty of felony; any question shall arise, whether any person be an officer of his Majesty, his heirs or successors, of or for any of the said duties, or whether any person hath been employed by the said commissioners for managing the said duties, or the major part of them, to make or provide any dies or stamps to denote the said duties, or any of them, or to repair, renew, or alter the same, or any of them, in every of the said cases, proof shall and may be made and admitted, that such person was reputed to be, and had acted in, and in fact exercised such office or employment, and at the respective time and times when the matter or matters in controversy upon such trial or trials shall happen to have been done or committed, without producing or proving the particular commission, deputation, or other authority, whereby such officer or other person was constituted, appointed, or employed; and that in every such case such proof shall be deemed and taken, by the judges or justices before whom any such trial shall be had, to be good and legal evidence, unless by other evidence the contrary shall be made to appear; any law or usage to the contrary thereof notwithstanding.

Two provisoes of 25 Geo. 3. c. 50, recited, and repealed as far as relates

VII. *And whereas, in and by an act made in the last session of parliament, intituled*, An act for repealing an act made in the twenty-fourth year of the reign of his present Majesty, intituled, *An act for granting to his Majesty certain duties on certificates issued with respect to the killing of game, and for granting other duties in lieu*

lieu thereof, it was provided, That, from and after the first day of July, *one thousand seven hundred and eighty five, it should and might be lawful for any one or more justice or justices of the peace of the county, riding, shire, stewartry, division, city, liberty, or place, wherein any offence or offences against the said act should be committed, and such justice and justices was and were thereby required, upon information or complaint to him or them made, to summon the party or parties accused, and also the witnesses on either side, to appear before him or them, and upon the appearance of the party or parties accused, or in default of his, her, or their appearance according to such summons, to proceed to hear and determine the matter in a summary way; and upon due proof made thereof, either by the voluntary confession of the party or parties accused, or by the oath of one or more credible witness or witnesses, to give judgement or sentence for the penalty or forfeiture, according as in and by the said act is directed, and to award and issue out his warrants, under his hand and seal, for the levying any pecuniary penalty and forfeitures so adjudged, on the goods of the offender, and to cause sale to be made thereof in case they should not be redeemed within six days, rendering to the party the overplus, (if any); and where sufficient goods of such offender could not be found to answer the penalty, to commit such offender to the common gaol or house of correction, there to remain for the space of six months, unless such penalty should be sooner paid and satisfied: and in and by another proviso of the said act it was provided and enacted, That nothing in the said act contained should extend, or be construed to extend, to subject any person or persons whatsoever to a longer imprisonment than three calendar months, for nonpayment of any fine or penalty to be imposed under the authority of the said act: now, to obviate any doubts which have arisen, or may arise, on the meaning of the said act,* be it further enacted by the authority aforesaid, That the said proviso last abovementioned, and every matter and thing therein contained, and also so much of the said proviso first above mentioned which relates to the time for which the offender is to be committed, and which authorises or requires the justice or justices of the peace, before whom any offender shall be convicted of any offence against the said act, where sufficient goods of such offender cannot be found to answer the penalty, to commit such offender to the common gaol or house of correction, there to remain for the space of six months, shall be, and are, and each of them, (as to such part thereof as aforesaid) shall be, and is hereby repealed; and that, from and after the passing of this act, it shall and may be lawful for any such justice or justices of the peace as aforesaid, before whom any such offender shall be convicted of any offence against the said act of the last session of parliament, to levy any pecuniary penalties and forfeitures, adjudged by virtue of the said act, in such manner as is therein directed, all which penalties and forfeitures so adjudged shall be divided and distributed according to the directions of this act before specified; and that where sufficient goods of such offender cannot be found to answer the penalty, and the same shall remain unpaid, to commit such offender

to the time of commitment of offenders, where they have not sufficient goods to answer penalties.

If penalties be not paid, the party to be committed

for three months, and no longer.

fender to the common gaol or house of correction, there to remain for the space of three calendar months, unless such penalty shall be sooner paid and satisfied, and no longer; any thing in the said act contained to the contrary hereof notwithstanding.

Laws now in force, except hereby repealed, to be put in execution.

VIII. Provided always, and be it further enacted by the authority aforesaid, That all and every law and statute now in force, touching any the said duties, and every article and thing in them contained, and not herein and hereby altered or repealed, shall be duly put in execution according to the tenor of the said laws, and under the penalties therein contained, to be raised, levied, and disposed of as therein and thereby are directed.

22 Geo. 3. c. 48, recited, and the duty of 1s. 6d. for every 100l. insured, thereby laid, to cease from July 5, 1786, on insurances of foreign property from fire.

IX. *And whereas by an act, made in the twenty-second year of the reign of his present Majesty, intituled,* An act for charging a duty on persons whose property shall be insured against loss by fire, *it is enacted, That there shall be raised, levied, collected, and paid, throughout* Great Britain, *unto and for the use of his Majesty, his heirs and successors, the yearly sum of one shilling and sixpence upon every sum of one hundred pounds, and so in proportion for any greater or less sum, that is or shall be insured by any person or persons, in or by any policy of insurance for insuring houses, goods, wares, merchandizes, or other property, from loss by fire: and whereas it is thought expedient to exempt all policies for insuring foreign property from loss by fire from the said yearly duty*; be it therefore enacted, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-six, the said yearly rate or duty upon all sums of money that are or shall be insured by any person or persons, in or by any policy of insurance made in *Great Britain*, for insuring of any house or houses, furniture, goods, wares, merchandizes, or other property, within any foreign kingdom or state in amity with his Majesty, his heirs or successors, shall cease and determine, and be no longer paid or payable; any thing in the said recited act contained to the contrary thereof notwithstanding.

Unappropriated duties, etc. in the hands of the receiver general for stamps, to be carried to the sinking fund.

X. *And whereas there are in the hands of the receiver general of the stamp duties several small sums of money received by him on account of duties and penalties, not applicable, by any law now in force, to any particular use or purpose, and which cannot be paid into the receipt of the exchequer under any head of account*; be it therefore enacted, That all such sums of money as are now in the hands of the said receiver general of the stamp duties shall be paid by him into the receipt of the exchequer, and the money so paid in shall be carried to, and made part of, the fund commonly called *The Sinking Fund*.

Clause of 23 Geo. 3. c. 58, relative to stamps on transfers of stock, recited,

XI. *And whereas by an act, passed in the twenty-third year of the reign of his present Majesty, intituled,* An act for granting to his Majesty several additional and new duties upon stamped vellum, parchment, and paper; and also for repealing certain exemptions from the stamp duties, *it was enacted, That, for every skin or piece of parchment, or sheet or piece of paper, upon*

which

which shall be engrossed or written any transfer of stock in any company, society, or corporation within Great Britain, *there shall be charged an additional stamp duty of two shillings and three-pence: and whereas doubts have arisen whether transfers or assignments of the stocks, or of any share or part of the capital stocks, in the books of the governor and company of the bank of* England, *commonly called* Bank Stock, *and of the governor and company of merchants of* Great Britain *trading to the* South Seas, *and other parts of* America, *and for encouraging the fishery, are not made subject or liable to pay the said additional stamp duty*, it is hereby enacted and declared, That no transfer or assignment of the said stocks, or of any part or share therein respectively, in the respective books of the said companies, are or shall be liable to any higher or greater stamp, or other duties, than were payable for any transfer or assigment of any share or part in or of the said stocks before the passing the said act, or shall be deemed or construed so to be or to have been, any thing in the said act to the contrary notwithstanding. which is not to extend to transfers of Bank or South Sea Stock.

XII. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times, be sued, molested, or prosecuted for any thing by him or them done or executed in pursuance of this act, such person or persons shall and may plead the general issue, and give the special matter in evidence for his or their defence; and if, upon the trial, a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs. General issue. Treble costs.

CAP. LXXXIII.

An act to explain and amend an act, passed in the seventh year of the reign of his present Majesty, to prevent frauds and abuses in the admeasurement of coals, sold by wharf measure, within the city of *London* and the liberties thereof, and between *Tower Dock* and *Limehouse Hole*, in the county of *Middlesex*.

WHEREAS *an act was passed in the seventh year of the reign of his present majesty King* George *the Third*, to prevent frauds and abuses in the admeasurement of coals, sold by wharf measure, within the city of *London* and the liberties thereof, and between *Tower Dock* and *Limehouse Hole*, in the county of *Middlesex*; *which act was to continue in force for fourteen years: and whereas the term of the said act was, by an act passed in the seventeenth year of the reign of his said present Majesty, continued until the first day of* June, *which will be in the year of our Lord one thousand seven hundred and ninety-eight, and from thence to the end of the then next session of parliament: and whereas the said act of the seventh year of the reign of his said present Majesty hath been useful, and productive of much benefit to the publick, but might be rendered still more so, if the same was explained and amended, and some further provisions made for preventing inconveniences, which* Preamble. 7 Geo. 3. c. 23. 17 Geo. 3. c. 13.

were

were not foreseen, nor sufficiently provided against by the said former act; may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said recited act of the seventh year of the reign of his present Majesty, and continued by the subsequent act of the seventeenth year of the reign of his said present Majesty, and all the powers, penalties, forfeitures, remedies, provisions, rules, orders, directions, clauses, matters, and things, given, granted, ordered, appointed, prescribed, inserted, and contained therein, (other than and so far as the same, or any of them, are respectively varied, altered, explained, rendered unnecessary, or otherwise provided for, by this present act) shall be exercised, practised, used, enforced, and put in execution, during the continuance, and for the purposes of this present act, in as full, extensive, and beneficial manner, to all intents and purposes, as if the said powers, penalties, forfeitures, remedies, provisions, rules, orders, directions, clauses, matters, and things were particularly expressed and again enacted in the body of this present act; and also, that this act shall take effect, continue, and be in force, from the twenty-fourth day of *July*, one thousand seven hundred and eighty-six, until the said first day of *June*, which will be in the year of our Lord one thousand seven hundred and ninety-eight (being the remainder now to come and unexpired of the term granted by the said recited act of the seventeenth year of the reign of his present Majesty) and from thence to the end of the then next session of parliament.

7 Geo. 3. c. 23.

except where altered by this act,

to continue in force.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the principal land coal-meters, within the limits of this act, or any one of them, and they, or any one of them, are and is hereby authorised, directed, and required to appoint, from time to time, a sufficient number of persons to be labouring coal-meters, within the said limits; one or more of which said labouring coal-meters shall attend every day (*Sundays* excepted) at such of the coal wharfs, warehouses, or other places of sale, within the limits aforesaid, at which he or they shall be stationed by the principal land coal-meters, or any one of them, during the continuance of this act, at such times as is required by the wharfinger, or dealer in coals, where such meter or meters is or are stationed, to measure out, or see measured, the coals which shall, from time to time, be sold at any of the wharfs, warehouses, or places, where such labouring coal-meters shall be so stationed as aforesaid.

For appointing labouring coal-meters.

III. *And whereas, by the said act passed in the seventh year of his present Majesty, it is enacted, That no person shall be capable of acting as one of the labouring coal-meters to be appointed under the said act, until he shall take an oath, that he will truly and impartially measure all coals, between buyer and seller, without favour or hatred:*

hatred: and whereas it hath been found very difficult to comply therewith; be it therefore enacted by the authority aforesaid, That the form of the oath required by the said act to be taken shall be, and the same is hereby repealed: and no person appointed, or to be appointed, under the authority of this and the said act, shall be capable of acting as one of the labouring coal-meters, until he shall, before one or more of his Majesty's justices of the peace for the said city of *London* (who is and are hereby authorised and required to administer the same *gratis*), take and subscribe an oath, or affirmation, in the words, or to the effect following; to wit:

Form of labouring coal-meters oath repealed.

I A. B. *do swear*, [or, being of the people called Quakers, do solemnly affirm], *That I will duly and faithfully, to the best of my skill and knowledge, execute the office of one of the labouring coal-meters for the city of* London, *and the several wharfs situate between the tower of* London *and* Limehouse Hole, *in the county of* Middlesex; *and that I will truly and impartially measure, or see measured, all coals, between buyer and seller, without favour or hatred.* *So help me GOD.*

New oath.

IV. And be it further enacted by the authority aforesaid, That upon notice in writing, or otherwise, being given to any of the labouring coal-meters appointed and qualified, or to be appointed and qualified, by virtue of this and the said recited act of the seventh year of the reign of his present Majesty, or left at the principal land coal-meter's office, for a labouring coal-meter or meters to attend at any wharf, warehouse, or place within the limits of this act, to be named in such notice, in order to measure, or see measured, the coals of the person giving the notice, such labouring coal-meter or meters shall attend, pursuant to such notice, within the space of one hour from the time of giving the same, or sooner if possible, and do his or their duty according to the intent and meaning of this and the said recited act; and in case of neglect or refusal to attend accordingly, such labouring coal-meter or meters shall, for every such offence, forfeit and pay the sum of twenty shillings each; and the principal land coal-meters or coal-meter, neglecting to send such labouring coal-meter or meters as aforesaid, shall, for every such offence, forfeit and pay the like sum of twenty shillings.

Penalty on principals neglecting to send a labouring coal-meter, and on labouring coal-meters not attending on notice.

V. And be it further enacted by the authority aforesaid, That if any cart or carts loaded, or in which any quantity of coals, exceeding seventeen bushels, shall be sent or driven, from any wharf, warehouse, or place situate within the limits of this act, without having been measured under the inspection of the said principal land coal-meters, or coal-meter, or of such labouring coal-meter, or without having first obtained such ticket as aforesaid, that then, and in every such case, the vendor of the said coals, being convicted thereof by the oaths (or, being of the people called *Quakers*, by affirmation) of two or

Penalty on vendor, for sending coals unmeasured, or without a ticket.

or more witneſſes, before one or more of his Majeſty's juſtices of the peace for the ſaid city of *London*, or the county of *Middleſex*, ſhall, for every ſuch offence, forfeit and pay the ſum of ten pounds.

Sacks not to be ſealed, or marked, which ſhall not be full 4 feet 4 inches long, and 26 inches broad.

VI. And be it further enacted by the authority aforeſaid, That, from and after the ſaid twenty-fourth day of *July*, one thouſand ſeven hundred and eighty-ſix, no ſacks to be made uſe of for the carriage of coals, within the limits of this act, which ſhall not be full four feet four inches in length, and full twenty-ſix inches in breadth, after they are made, ſhall be ſealed or marked, at any office or offices, or by any officer or officers appointed or to be appointed for the purpoſe of ſealing and marking ſuch ſacks, by any law now in being reſpecting the ſame.

Dimenſions of ſacks.

VII. And it is hereby further enacted by the authority aforeſaid, That if any wharfinger or carrier of coals ſhall, at any time or times hereafter, during the continuance of this act, make uſe of any ſack or ſacks for the carrying of coals, within the limits of this act, of leſs dimenſions than four feet in length, and two feet in breadth; or ſhall wilfully make, or procure to be made or uſed, any falſe buſhel or other meaſure, and be convicted thereof by the oaths (or, being of the people called *Quakers*, by affirmation,) of two or more credible witneſſes, before one or more of his Majeſty's juſtices of the peace for the ſaid city of *London*, or the ſaid county of *Middleſex*, he ſhall, for every ſuch offence, forfeit and pay the ſum of five pounds.

Penalty on labouring meter delivering falſe tickets;

or receiving any other gratuity beſides 4 d. per chaldron;

or making falſe meaſure; or delivering any ticket for coals he did not ſee meaſured.

VIII. And it is hereby further enacted by the authority aforeſaid, That if any labouring coal-meter, appointed and qualified, or to be appointed and qualified, purſuant to this and the ſaid recited act of the ſeventh year of the reign of his preſent Majeſty, ſhall, at any time or times hereafter, during the continuance of this act, deliver a falſe or counterfeit ticket to any dealer, conſumer, carman, or other perſon, with intent to prejudice or defraud any perſon or perſons whomſoever; or ſhall take or receive from any dealer in coals any ſum or ſums of money, fee, reward, or gratuity whatſoever, over and beſides the four-pence per chaldron, by the ſaid recited act of the ſeventh year of the reign of his preſent Majeſty enacted and allowed to be taken for the metage charge; or if any ſuch labouring coal-meter, ſhall wilfully make, permit or ſuffer to be made, falſe meaſure of coals, or ſhall deliver a ticket for any quantity of coals, the whole of which he ſhall not have ſeen meaſured, at any place or places within the ſaid limits, and ſhall be, in any or either of the ſaid caſes, convicted thereof by the oaths (or, being of the people called *Quakers*, by affirmation) of two or more credible witneſſes, before one or more of his Majeſty's juſtices of the peace for the ſaid city of *London*, or the ſaid county of *Middleſex*, he ſhall be rendered incapable of ever ſerving thereafter in the office of a land coal-meter; and the principal land coal-meters or coal-meter for the time being ſhall, for every ſuch offence of ſuch labouring coal-meters, ſo convicted

convicted as aforesaid, forfeit and pay the sum of forty shillings.

Penalty on carman taking or permitting coals to be taken out of his cart.

IX. Provided always, and be it further enacted by the authority aforesaid, That if the driver of any cart or carriage with coals loaded therein, from any wharf, warehouse, or place, within the limits of this act, or any person belonging thereto or employed therewith, shall take or deliver, or suffer to be taken or delivered, from such cart or carriage, any coals under his care, otherwise than to or for the use of the owner or owners, purchaser or purchasers thereof, and shall be thereof convicted, every such person shall, for every such offence, forfeit and pay the sum of forty shillings; and in case of non-payment thereof, every such offender shall and may be committed, by warrant under the hand and seal, or hands and seals, of the justice or justices before whom such conviction shall be had, to the common gaol of and for the city of *London*, or the county of *Middlesex*, there to remain for any time not exceeding three calendar months, nor less than one calendar month, unless the said penalty or forfeiture be sooner paid and satisfied.

Persons dissatisfied may have coals re-measured,

driver to continue with the coals and cart till re-measured, under penalty of 5*l.* on the owner, and 20*s.* on the driver.

Purchaser to send notice in writing to vendor and meter.

X. Provided also, and be it further enacted by the authority aforesaid, That if any person shall be dissatisfied with, or think himself or herself aggrieved by or in the measure of any coals sold to him or her by wharf measure, within the limits aforesaid, and shall, upon delivery to him or her of the meter's ticket accompanying such coals, signify his or her desire to have the same re-measured, then, and in every such case, the carman, or driver of the cart or other carriage in which the said coals shall be brought, shall continue at the house or lodging of the purchaser of the said coals, with the said coals, and the said cart or carriage, until they are re-measured, under the penalty of five pounds on the owner or proprietor, and twenty shillings on the driver of the said cart or carriage; and the said purchaser shall immediately send, or cause to be sent, to the vendor of the said coals, or to his or her wharf, warehouse, or place, notice in writing that the said coals are going to be re-measured, and also send notice thereof to the land coal-meter's office; and thereupon a principal meter, or one of the labouring meters, (not being the meter under whose inspection the said coals were originally measured), shall, within the space of two hours next after such notice in writing left at the land coal-meter's office aforesaid, attend to re-measure the said coals, and shall accordingly re-measure the same, sack by sack, in the presence of the vendor and purchaser of the said coals, or their agents or servants, if any of them shall attend, and desire to see the same re-measured, and also in the presence of one of the principal or labouring land coal-meters of or for the city and liberty of *Westminster*, or of or for that part of the county of *Surrey* lying between *Putney* and *Rotherhithe*, if such purchaser shall think proper to require the attendance of such last-mentioned coal-meter; who shall, and is hereby directed and required to attend accordingly within the space of two hours after notice in writing left at such last-mentioned coal-meter's office; and in case such

such last-mentioned coal-meters or coal-meter shall neglect or refuse to attend pursuant to such notice, he or they shall, for every such offence, forfeit and pay the sum of five pounds: for which re-measurement the purchaser shall pay the principal coal-meters or coal-meter, appointed or to be appointed by or in pursuance of the said recited act of the seventh year of the reign of his present Majesty, and also such other land coal-meter from the city and liberty of *Westminster*, or from that part of the county of *Surrey* aforesaid, as shall attend such re-measurement, the sum of six-pence each, for every chaldron of coals so re-measured; and in case the coals thus re-measured shall not amount to the quantity for which they were sold, then the vendor of such coals shall forfeit and pay, for every bushel of coals found deficient, the sum of five pounds, and also forfeit every chaldron of coals so found deficient or wanting in measure, to and for the use of the poor of the parish where the said coals shall be so re-measured; and the labouring meter, under whose inspection the coals were first measured, shall, for every bushel so deficient, forfeit and pay the sum of five pounds, which sum, if not paid within five days next after conviction, shall and may be recovered from the persons or person executing the office of principal land coal-meter for the time being: and the coal porters, who shall measure the same for the vendor thereof, shall, for every bushel of coals so wanting, forfeit and pay the sum of two shillings and sixpence.

Purchasers to pay 6d. per chaldron for re-measuring.

And if, on re-measurement, coals prove deficient, the vendor to pay 5l. for every bushel, and forfeit the coals, &c.

The coal porters who measured to forfeit 2s. 6d. a bushel.

XI. And be it further enacted and declared by the authority aforesaid, That the several penalties and forfeitures imposed and to be incurred by virtue of and under this act, shall be recovered and applied in such and the same manner as the penalties and forfeitures, inflicted and directed to be levied by the said recited act of the seventh year of the reign of his present Majesty, are thereby ordered, directed, and appointed to be levied, recovered, and applied, respectively.

Penalties and forfeitures to be recovered and applied, as directed by 7 Geo. 3. c. 23.

XII. And be it further enacted by the authority aforesaid, That this act shall be deemed, judged, and taken to be a publick act; and shall be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same.

Publick act.

CAP. LXXXIV.

An act to empower the archbishop of Canterbury, *or the archbishop of* York, *for the time being, to consecrate to the office of a bishop, persons being subjects or citizens of countries out of his Majesty's dominions.*

Preamble.

WHEREAS, *by the laws of this realm, no person can be consecrated to the office of a bishop without the King's licence for his election to that office, and the royal mandate under the great seal for his confirmation and consecration: and whereas every person who shall be consecrated to the said office is required to take the oaths of allegiance and supremacy, and also the oath of due obedience to the archbishop:*

archbishop: and whereas there are divers persons, subjects or citizens of countries out of his Majesty's dominions, and inhabiting and residing within the said countries, who profess the publick worship of Almighty God, according to the principles of the church of England, *and who, in order to provide a regular succession of ministers for the service of their church, are desirous of having certain of the subjects or citizens of those countries consecrated bishops, according to the form of consecration in the church of* England: be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, it shall and may be lawful to and for the archbishop of *Canterbury*, or the archbishop of *York*, for the time being, together with such other bishops as they shall call to their assistance, to consecrate persons, being subjects or citizens of countries out of his Majesty's dominions, bishops, for the purposes aforesaid, without the King's licence for their election, or the royal mandate, under the great seal, for their confirmation and consecration, and without requiring them to take the oaths of allegiance and supremacy, and the oath of due obedience to the archbishop for the time being.

The archbishop of Canterbury or York, with such other bishops as they shall think fit to assist, may consecrate subjects of foreign states bishops, without the king's licence for the election, or requiring them to take the usual oaths;

II. Provided always, That no persons shall be consecrated bishops in the manner herein provided, until the archbishop of *Canterbury*, or the archbishop of *York*, for the time being, shall have first applied for and obtained his Majesty's licence, by warrant under his royal signet and sign manual, authorising and empowering him to perform such consecration, and expressing the name or names of the persons so to be consecrated, nor until the said archbishop has been fully ascertained of their sufficiency in good learning, of the soundness of their faith, and of the purity of their manners.

but not without first obtaining his Majesty's royal licence for performing the consecration, &c.

III. Provided also, and be it hereby declared, That no person or persons consecrated to the office of a bishop in the manner aforesaid, nor any person or persons deriving their consecration from or under any bishop so consecrated, nor any person or persons admitted to the order of deacon or priest by any bishop or bishops so consecrated, or by the successor or successors of any bishop or bishops so consecrated, shall be thereby enabled to exercise his or their respective office or offices within his Majesty's dominions.

No persons so consecrated, &c. thereby enabled to exercise their offices in his Majesty's dominions.

IV. Provided always, and be it further enacted, That a certificate of such consecration shall be given under the hand and seal of the archbishop who consecrates, containing the name of the person so consecrated, with the addition, as well of the country whereof he is a subject or citizen, as of the church in which he is appointed bishop, and the further description of his not having taken the said oaths, being exempted from the obligation of so doing by virtue of this act.

Certificate of consecration to be given by the archbishop, &c.

CAP. LXXXV.

An act to revive, continue, and amend so much of an act, made in the sixth year of the reign of his present Majesty, intituled, An act for allowing a bounty on the exportation of *British* made cordage, and for discontinuing the drawbacks upon foreign rough hemp exported, *as relates to allowing a bounty on the exportation of* British *made cordage.*

Preamble.

WHEREAS *the law herein-after mentioned, which hath, by experience, been found useful and beneficial, is expired, and it is expedient that so much thereof as relates to allowing a bounty on the exportation of* British *made cordage, be revived and continued, subject to the alterations and amendments herein made*; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the sixth year of the reign of his present Majesty, intituled, *An act for allowing a bounty on the exportation of* British *made cordage, and for discontinuing the drawbacks upon foreign rough hemp exported*, which was to be in force from the first day of *July*, one thousand seven hundred and sixty-six during the term of five years, and from thence to the end of the then next session of parliament; and which, by another act, made in the twelfth year of the reign of his present Majesty, was amended and further continued for the term of three years; and which, by another act, made in the fourteenth year of the reign of his present Majesty, was further continued for the term of three years, and from thence to the end of the next session of parliament; and which, by another act, made in the seventeenth year of the reign of his present Majesty, was further continued for the term of four years, and from thence to the end of the then next session of parliament; so far as the same relates to allowing a bounty upon the exportation of *British* made cordage, shall, from and after the passing of this act, be revived, and the same is hereby revived, and shall continue in full force and effect for the further term of four years, and from thence to the end of the then next session of parliament, subject to the several amendments, alterations, regulations, and restrictions, herein-after provided and expressed.

6 Geo. 3. c. 45, as far as relates to granting a bounty on exportation of British made cordage, to be revived, and continued for four years:

II. Provided always, and it is hereby further enacted by the authority aforesaid, That no bounty shall be allowed or paid, to any person or persons whatever, by virtue of this act, upon the exportation of cordage wrought up and manufactured in *Great Britain* from hemp of the growth of the *British* colonies or plantations in *America*, or of the united states of *America*, nor for any cordage whatever which shall be exported, unless the quantity thereof shall be three tons weight at the least.

but no bounty to be paid for cordage made from American hemp, nor for any whatever under 3 tons weight.

III. And be it further enacted by the authority aforesaid, That, upon the entry of such cordage for exportation, in order to obtain the bounty, the exporter thereof shall make oath that the

Owner to make oath

the same is really and truly intended to be exported as merchandize, and not for the use of the ship during her then voyage, or any future voyage; and the master, or other person having or taking the charge or command of the ship or vessel in or on board of which such cordage shall be intended to be exported, shall join in the bond required to be given for the due exportation of such cordage, or, on failure thereof, no bounty shall be allowed or paid on the exportation thereof.

that the cordage is really intended for exportation, and the master of the ship to join in the bond to be given on the occasion.

IV. And be it further enacted by the authority aforesaid, That nothing in this act, or any other act or acts of parliament contained shall extend, or be construed to extend, to disallow the bounty on the due exportation of such cordage to any foreign port or place whatever, except the *Isle of Man*, but that the same shall be, and is hereby directed and required to be paid on such exportation, other than to the *Isle of Man*.

Bounty on exportation of cordage to foreign places to be continued.

V. And be it further enacted by the authority aforesaid, That every ship or vessel, on board of which any cordage shall be shipped for exportation, in order to obtain the bounty hereinbefore granted, shall, and is hereby required to have on board (over and above the quantity entered for exportation) a sufficient quantity of cordage for the use of such ship or vessel, according to the nature of the voyage, for which no bounty shall be allowed; and such ship or vessel, before clearing at any port of this kingdom, shall be visited by the proper officer or officers of the customs at such port, who shall not permit or suffer her to set sail on her voyage, if it shall appear that there is not on board a sufficient quantity of cordage for the use of such ship or vessel, independent of, and besides the quantity entered for the bounty; and such officer or officers shall be, and is and are hereby authorised and required to detain such ship or vessel, and to prevent her from sailing upon her intended voyage, until there shall be provided a sufficient quantity of cordage for the use of such ship or vessel, according to the nature of the voyage on which such ship or vessel shall be intended to proceed, besides the cordage entered as aforesaid for exportation, in order to obtain the bounty.

If vessels have not a sufficient quantity of cordage for their use, over the quantity shipt for exportation, the officers to detain them.

VI. *And, in order to prevent any inconvenience which may arise by encouraging the exportation of cordage*, be it further enacted by the authority aforesaid, That no entry shall be permitted to pass for the exportation of any such cordage, or the vessel having on board such cordage be permitted to go out of port, unless a certificate shall be produced, under the hands of the commissioners of his Majesty's navy, or any three or more of them, signifying that such cordage hath been tendered to them for the use of his Majesty's dock yards, at the fair and then market price of such cordage in *London*, and that the same hath been refused by that board; and if any person or persons shall pass any entry for such cordage, without having such certificate produced to him or them, such person or persons shall forfeit and lose the sum of one hundred pounds.

No cordage to be exported without a certificate that it has been refused by the navy board.

Persons passing entries without such certificate, to forfeit 100l.

CAP. LXXXVI.

An act to explain and amend an act, made in the seventh year of his late Majesty's reign, intituled, An act to settle how far owners of ships shall be answerable for the acts of the masters or mariners; *and for giving a further relief to the owners of ships.*

Preamble. Act 7 Geo. 2. c. 15, recited.

WHEREAS, *by an act made in the seventh year of the reign of his late majesty King* George *the Second, intituled,* An act to settle how far owners of ships shall be answerable for the acts of the masters or mariners, *it is amongst other things enacted, That no owner or owners of any ship or vessel should be liable to answer for or make good to any person or persons, any loss or damage by reason of any embezzlement, secreting, or making away with (by the master or mariners, or any of them) of any gold, silver, diamonds, jewels, precious stones, or other goods or merchandize, which should be shipped on board any ship or vessel, or for any act, matter, or thing, damage or forfeiture, done, occasioned, or incurred by the said master or mariners, or any of them, without the privity and knowledge of such owner or owners, further than the value of the ship or vessel, with all her appurtenances, and the full amount of the freight due or to grow due for and during the voyage wherein such embezzlement, secreting, or making away with, or other malversation of the master or mariners, should be made, committed, or done: and whereas all masters or captains, and owners of ships or vessels, are by law respectively subject or liable to answer for or make good to any person or persons, the full value and amount of any goods or merchandize by such person or persons shipped or put on board any ship or vessel, notwithstanding such goods or merchandize be lost by robbery, fire, or other accident (other than by the King's enemies, the perils of the seas, or the act of God), or unless the master or some of the ship's company are privy to such robbery, in which case alone the responsibility of the owners is by the said act limited to the value of the ship and full amount of the freight: and whereas it is of the utmost consequence and importance to the general welfare of this kingdom, to promote the increase of the number of ships and vessels, and to prevent any discouragement to merchants and others from being interested and concerned therein, which is likely to happen from the responsibility to which they are now exposed, notwithstanding the salutary intention of the said act:* may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That no person or persons, who is, are, or shall be owner or owners of any ship or vessel, shall be subject or liable to answer for or make good, to any one or more person or persons, any loss or damage by reason of any robbery, embezzlement, secreting, or making away with, of any gold, silver, diamonds, jewels, precious stones, or other goods or merchandize, which, from and after the first day of *September*, one thousand seven hundred and eighty-six, shall be shipped,

Owners of ships not liable for any loss of goods shipped without their privity, further than the value of the vessel,

shipped, taken in, or put on board any ship or vessel, or for any act, matter, or thing, damage or forfeiture, done, occasioned, or incurred, from and after the passing of this act, without the privity and knowledge of such owner or owners, further than the value of the ship or vessel, with all her appurtenances, and the full amount of the freight due or to grow due for and during the voyage wherein such robbery, embezzlement, secreting, or making away with, as aforesaid, shall be made, committed, or done, although the master or mariners shall not be in any wise concerned in or privy to such robbery, embezzlement, secreting, or making away with; any law, usage, or custom, to the contrary thereof in any-wise notwithstanding.

and the freight, after Sept. 1, 1786;

II. And be it further enacted by the authority aforesaid, That no owner or owners of any ship or vessel shall be subject or liable to answer for or make good, to any one or more person or persons, any loss or damage which may happen to any goods or merchandize whatsoever, which, from and after the first day of *September*, one thousand seven hundred and eighty-six, shall be shipped, taken in, or put on board any such ship or vessel, by reason or means of any fire happening to or on board the said ship or vessel.

nor for any loss occasioned by fire on board:

III. *And whereas disputes may arise, whether the owners or masters of ships are liable to answer or make good the value or amount of any gold, silver, diamonds, watches, jewels, or precious stones, which may be lost after the same have been put on board their ships on freight, without the shippers thereof declaring at the time the value of such goods*; be it therefore enacted by the authority aforesaid, That no master, owner or owners, of any ship or vessel, shall be subject or liable to answer for, or make good, to any one or more person or persons, any loss or damage which may happen to any gold, silver, diamonds, watches, jewels, or precious stones, which, from and after the passing of this act, shall be shipped, taken in, or put on board any such ship or vessel, by reason or means of any robbery, embezzlement, making away with, or secreting thereof, unless the owner or shipper thereof shall, at the time of shipping the same, insert in his bill of lading, or otherwise declare in writing to the master, owner or owners, of such ship or vessel, the true nature, quality, and value of such gold, silver, diamonds, watches, jewels, or precious stones.

nor for loss of gold, etc. unless at the time of shipping declaration be made of the value, etc.

IV. And be it further enacted by the authority aforesaid, That if several freighters or proprietors of any such gold, silver, diamonds, jewels, precious stones, or other goods or merchandize, shall suffer any loss or damage by any of the means aforesaid, in the same voyage (fire only excepted), and the value of the ship or vessel, with all her appurtenances, and the amount of the freight due or to grow due during such voyage, shall not be sufficient to make full compensation to all and every of them, then such freighters or proprietors shall receive their satisfaction thereout in average, in proportion to their respective losses

If produce of ship, etc. be insufficient to answer losses, it is to be proportionally divided among the losers.

Freighters and owners of vessels may exhibit bills in equity for discovery of amount of losses and value of vessels, etc.

losses or damages: and in every such case, it shall and may be lawful to and for such freighters or proprietors, or any of them, on behalf of himself and all other such freighters or proprietors, or to and for the owners of such ship or vessel, or any of them, on behalf of himself and all the other part owners of such ship or vessel, to exhibit a bill in any court of equity for a discovery of the total amount of such losses or damages, and also of the value of such ship or vessel, appurtenances, and freight, and for an equal distribution and payment thereof amongst such freighters, or proprietors, in proportion to their respective losses or damages, according to the rules of equity: provided always, That if any such bill shall be exhibited by or on the behalf of the part owners of such ship, the plaintiff or plaintiffs shall annex an affidavit to such bill or bills, that he or they do not collude with any of the defendants thereto; and shall thereby offer to pay the value of such ship or vessel, appurtenances, and freight, as such court shall direct; and such court shall thereupon take such method for ascertaining such value as to them shall seem just, and shall direct the payment thereof in like manner as is now used and practised in cases of bills of interpleader.

Act not to lessen the remedy against masters and mariners for embezzlement, etc.

V. Provided always, and it is hereby declared and enacted, That nothing in this present act contained shall extend, or be construed to extend, to impeach, lessen, or discharge any remedy which any person or persons now hath, or shall or may hereafter have, against all, every, or any the master and mariners of such ship or vessel, for or in respect of any embezzlement, secreting, or making away with, any gold, silver, diamonds, jewels, precious stones, or merchandize, shipped or loaded on board such ship or vessel, or on account of any fraud, abuse, or malversation of and in such master and mariners respectively; but that it shall and may be lawful to and for every person or persons so injured or damaged, to pursue and take such remedy for the same, against the said master and mariners respectively as he or they might have done before the making of this act.

Publick act.

VI. And be it further enacted, That this act shall be a publick act; and be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without the same being specially pleaded.

CAP. LXXXVII.

An act for appointing commissioners to enquire into the state and condition of the woods, forests, and land revenues, belonging to the crown; and to sell or alienate fee-farm, and other unimproveable rents.

Preamble.

WHEREAS, *under and by virtue of the provisions contained in an act of the first year of your Majesty's reign, intituled,* An act for the support of his Majesty's household, and of the honour and dignity of the crown of *Great Britain, the monies arising*

1 Geo. 3. c. 1, recited in part.

arising by rents of lands, and fines for leases of the same, and the monies arising from the small branches and revenues in the said act mentioned (except the revenue of the dutchy of Cornwall) *are directed, during your Majesty's life, to be carried to, and made part of the general or aggregate fund established by an act of the first year of the reign of King* George *the First, and applied as part of the said fund: and whereas your Majesty is seised of several extensive forests, chases, parks, warrens, marshes, fens, derelict lands, and wastes, situate in* England *and* Wales, *which are capable, under proper regulations, of being improved and rendered more beneficial to your Majesty and to the publick: and whereas your Majesty, from a tender regard and concern for the welfare of your people, hath been graciously pleased to express your desire, that an enquiry should be made into the state and condition of the woods, forests, and land revenues belonging to the crown, in order that the same may be rendered as beneficial and productive as possible, and hath recommended to your parliament to take this object into their consideration, and to make such provision thereupon as they should judge to be most for the publick benefit:* we, therefore, your Majesty's most dutiful and loyal subjects, the lords spiritual and temporal, and commons, of *Great Britain*, in parliament assembled, having taken your Majesty's most gracious message into our serious consideration, do most humby beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, sir *Charles Middleton* baronet, *John Call* esquire, and *Arthur Holdsworth* esquire, shall be, and are hereby constituted commissioners for examining and enquiring into the state, management, produce, and expenditure of the said rents of lands, and fines for leases of the same, and other monies arising from the said small branches of revenue herein-before mentioned; and into the state, produce, management, extent, and value, of all the honours, castles, lordships, forests, chases, parks, warrens, manors, royalties, seigniories, messuages, wills, demesne and other lands, tenements, tythes, mines, minerals, collieries, woods, wood grounds, fens, marshes, derelict and waste lands, and services, within the survey of his Majesty's exchequer, and appertaining and belonging to the crown of *Great Britain*, situate and being in *England* and *Wales*, or either of them; and into all such subsisting leases, patents, and other grants of the said honours and premises respectively, as contain any express saving, exception, or reservation to the crown, of any rights or interests, in possession, reversion, or contingency; and into all and all manner of rights and privileges claimed, exercised, or enjoyed, within, over, and upon his Majesty's said forests, chases, parks, warrens, woods, fens, marshes, and derelict and waste lands respectively; and into all subsisting offices, places, and employments, established or created for the management of the said forests, chases, parks, and other the landed estates, land revenues, and small branches aforesaid,

Commissioners appointed.

foresaid, respectively, or in anywise connected therewith, and the annual expence of the same: and the said commissioners shall, and they are hereby required to take into their consideration the information which they shall procure or receive upon such examinations and enquiries, and within fourteen days after the commencement of every session of parliament, and from time to time, when and so often as they conveniently can or may, (and without any special or other requisition to be made to them for that purpose), certify and report in writing, under their hands and seals, unto the King's majesty and both houses of parliament, what progress they shall have made in the execution of the trusts and powers of this act, together with such observations as shall occur to them, and suggest such plans, rules, regulations, means, and methods, for the disposal and alienation, or for the future management and improvement of the said landed estates and possessions, and for the protection, increase, and supply of timber on the said forests, chases, and other lands of the crown, for the use of the royal navy, or for redressing any abuses in the management of the said landed estates, and the collection and due answering of the revenues of the same, or other small branches of revenues aforesaid, as the said commissioners shall think best calculated for rendering the said landed estates and possessions of the crown, and the revenues arising therefrom, and other small branches aforesaid, most productive and advantageous to his Majesty and the publick.

Commissioners who are to make enquiry, and report to his Majesty and parliament their progress.

Commissioners to take the oath following.

II. And be it further enacted by the authority aforesaid, That the said commissioners, before they shall be capable of acting in the execution of this act, shall severally take and subscribe an oath, before the chancellor of the exchequer, or the chief baron or one of the other barons of the court of exchequer, to the effect following; (that is to say):

Form of oath.

I A. B. *do swear, That I will faithfully, impartially, and honestly, according to the best of my skill and judgement, execute the several powers and trusts reposed in me by an act of the twenty-sixth year of the reign of his majesty King* George *the Third, intituled,* An act for appointing commissioners to enquire into the state and condition of the woods, forests, and land revenues, belonging to the crown; and to sell or alienate fee farm and other unimproveable rents *according to the tenor and purport of the said act.*

So help me G O D.

Commissioners to meet where they think most convenient, examine witnesses upon oath, appoint officers, &c.

Which oath, so taken and subscribed, shall be filed of record in the office of the King's remembrancer of the said court.

III. *And for the better execution of this act,* be it further enacted, That the said commissioners shall have power to meet and sit, from time to time, in such place or places as they shall find most convenient, with or without adjournment; and to send their precept or precepts, under their hands and seals, for such witnesses as they shall think necessary to examine, for the better

ter discovery and finding out any of the matters or things by this act directed to be enquired and examined into by them, and to examine such witnesses, upon oath, touching and concerning such discovery and disclosure (which oath they are hereby authorised to administer); and also shall and may appoint and employ so many clerks and officers, and allow them, with the consent and approbation of the lord high treasurer, or the commissioners of the treasury, for the time being, in writing, under his or their hand or hands, such reasonable salaries as the said commissioners appointed by this act shall think meet; and shall and may give and administer to every of such clerks and officers an oath, for his true and faithful demeanor in all things relating to the due performance of the trusts reposed in him by the said commissioners, and in all other things touching the premises; and from time to time, at their discretion, to dismiss and discharge such clerks and officers, and appoint others in their place: and the said clerks and officers are hereby required faithfully to execute and perform the said trusts in them severally and respectively reposed, without taking any thing for such service, other than such salaries as the said commissioners shall direct and appoint, and such fees as they shall be authorised to take by virtue of this act: provided always, that if the said commissioners shall require the attendance of any person or persons, for the purpose of procuring any information by this act directed to be procured, and such person or persons shall be called for that purpose from his or their usual place or places of residence, the said commissioners shall, at their discretion, make a reasonable satisfaction to such person and persons for his and their time and expences on those occasions.

and may make satisfaction to witnesses for such expences.

IV. *And, for the better accomplishment of the purposes aforesaid,* be it further enacted, That the said commissioners shall have full power and authority to call before them the several surveyors, auditors, and receivers of the said several revenues, and their deputies, and all other officers and persons concerned in the management, collection, and receipt thereof, and to examine them upon oath, (which oath the said commissioners are hereby authorised to administer,) touching or concerning the said estates, possessions, and revenues, and every or any part of the same, and the extent, state, and value thereof, or any fees, salaries, stipends, annuities, or other payments, issuing out of the same, or chargeable thereon, or touching or concerning any other matter or thing relating to the premises aforesaid; and further, that the said commissioners shall have full power and authority to peruse, inspect, and have copies of all and singular the surveys, maps, plans, rentals, inquisitions, terriers, valuations, particulars, counterparts and entries of leases, patents, reports, accounts, and other written documents, relating to or concerning any of the lands, or possessions of the crown, or the rents and profits of the same, and other small branches aforesaid, in the custody or power of whatever publick officer or office the same may be, without payment of any fee or reward for the

Commissioners may examine on oath the officers of the land revenues, may inspect surveys, &c. and cause actual ones to be made.

the production or inspection thereof; and also to cause to be made, by practical and competent land surveyors, actual surveys, maps, plans, and valuations of such of the said forests, chases, parks, and other lands and possessions of the crown, as the said commissioners shall find necessary and expedient, and to examine all and every of such surveyors upon oath, (which oath the said commissioners are hereby impowered to administer), of and concerning the truth and correctness of their said respective surveys, or any matter or thing done or certified by such surveyors respectively, of and concerning the premises committed to their charge.

Chancellor, &c. of the exchequer may order commissions to persons, to make surveys, to examine into limits of forests, &c.

V. *And whereas it may be found necessary by the said commissioners, in the execution of this act, and for the better accomplishment of the ends and purposes thereof, and more particularly for discovering the extent and limits of his Majesty's forests and chases, and other lands, that commissions of enquiry should be awarded for those purposes*; be it therefore further enacted, That it shall and may be lawful to and for the chancellor and barons of the exchequer for the time being, and the said chancellor and barons are hereby authorised and required, from time to time, upon motion to them made by the said commissioners for that purpose, to order and direct one or more commission or commissions to be awarded and issued, under the seal of the exchequer, directed unto such able and experienced persons as the said court shall nominate for that purpose, for authorising and impowering the persons to be so named, or so many of them as the said chancellor and barons shall think fit, to make surveys and perambulations, and to call before them, and examine upon oath, any witness or witnesses, and to enquire into, examine, try, discover, and ascertain, by verdict and inquest, on the oaths of lawful men, to be duly impannelled by the proper sheriff, according to the tenor and effect of such respective commissions, the several limits, boundaries, extent, and values of the forests, chases, or other lands, to which such commissions shall respectively relate, and all such other matters and particulars which in and by such commissions shall be respectively directed to be enquired of or examined into.

Persons claiming privileges to deliver their claims to the commissioners.

VI. *And, to the end that the future improvements to be made in the land revenue of the crown may be effected without prejudice or vexation to the subject claiming rights, privileges, or easements, in, through, or over any of his Majesty's said forests, chases, parks, warrens, marshes, fens, derelict lands, and wastes*; be it further enacted, That all persons shall be at liberty to deliver their respective claims of rights, privileges, or easements, in, through, or over any of his Majesty's said forests, chases, parks, warrens, marshes, fens, derelict lands, and wastes, to the said commissioners of the land revenue, who shall cause the same to be entered and preserved among their proceedings, or may appear before the commissioners to be named in any such commission as aforesaid, to be issued by the said court of exchequer, during their sitting upon such commission, and make their respective claims before such commissioners, who shall receive the same, and make a return

turn thereof in their general return to the said commissioners appointed by this act.

Commissioners appointed by the chancellor, &c. of exchequer to take an oath to faithfully execute their trusts.

VII. Provided also, and be it further enacted, That every person to be named in such commission as aforesaid, shall, before he proceeds to act in the execution thereof, take and subscribe an oath, before any other two of the persons named in the same commission, faithfully to execute the same, and the trusts thereof, without favour or affection, and according to the best of his skill and judgement; which oath the persons so named, and every two of them, are hereby authorised and impowered to administer to each other respectively.

Treasury to issue to the commissioners money to pay balances, and take surveys, &c.

VIII. And be it further enacted, That the lord high treasurer, or the commissioners of the treasury, for the time being, shall, and they are hereby authorised and required to issue to the said commissioners appointed by this act, by way of imprest, and upon account, out of any of the public monies remaining in his Majesty's exchequer, any sum or sums, not exceeding in the whole the sum of two thousand pounds in any one year, to be by them employed in the payment of the aforesaid salaries of the clerks and officers by them employed in the execution of this act; and shall also, from time to time, issue to the said commissioners appointed by this act, out of the monies aforesaid, such further sums as shall be necessary to defray the expences of taking any surveys or valuations, or issuing and executing commissions of surveys and enquiry, and other contingent and actual charges, which shall be by them necessarily incurred in the carrying the purposes of this act, and the enquiries thereby directed, into execution.

No timber in the said forests, &c. to be sold without a warrant of the treasury.

IX. And be it further enacted, That, during the continuance of this act, no sale shall be made of any of his Majesty's timber or wood, within or upon any of his Majesty's forests, chases, parks, or other grounds whatsoever, by any of his Majesty's surveyors or keepers, or by any other persons intrusted with the care thereof, unless by special warrant to be issued for that purpose by the lord high treasurer, or the commissioners of the treasury, for the time being, upon requisition to them made by the said commissioners appointed by this act.

22 Car. 2. c. 6; and 22 & 23 Car. 2. cap. 24. recited;

X. *And whereas, by virtue of an act passed in the twenty-second year of the reign of his late majesty King* Charles *the Second, intituled,* An act for advancing the sale of fee farm rents and other rents, *and of an act passed in the twenty-second and twenty-third years of the reign of the same King, intituled,* An act for vesting certain fee farm rents, and other small rents, in trustees, *all fee farm rents, rents service, rents seck or dry rents, chauntry rents, guild rents, castle guard rents, and other services, within the survey of the exchequer (except as therein excepted) were vested in certain trustees in the said last-mentioned act named, and their heirs, in order to be by them sold, conveyed, and disposed of, according to the directions and instructions of the same acts, or one of them; with a proviso in the said last-mentioned act contained, that until sale should be made of the said rents, the receiver or receivers general should and might receive, collect,*

collect, and gather the same: and whereas, under and by virtue of the said two recited acts, the greater part of the large rents within the survey of the court of exchequer were sold by the said trustees, and the residue thereof, now remaining in charge at the exchequer, consist chiefly of very small rents, the collection and payment whereof is a great and constant charge to the crown, and troublesome and vexatious to the subject; and it is therefore expedient that the same should be sold: be it therefore further enacted, That the said two several recited acts of the twenty-second and twenty-second and twenty-third years of the reign of his late majesty King *Charles* the Second, and the letters patent in the said acts mentioned, so far as the same acts or letters patent relate to or concern any fee farm or other rents within the survey of the exchequer, by or under and by virtue of the same acts vested in the said trustees, and not by them sold or disposed of, or the appropriation of the the money to arise by sale thereof, shall be, and the same are hereby repealed and vacated.

and such parts as relate to rents within the survey of the exchequer vested in trustees, and not by them sold, to be repealed,

XI. And be it further enacted, That all the said fee farm and other rents, within the survey of the exchequer, by or under or by virtue of the said two several recited acts, or either of them, vested in the said trustees, and not by them sold or disposed of, shall be, and are hereby declared to be in the actual seizin and possession of his Majesty, his heirs and successors, in as full and ample manner, to all intents and purposes, as the same would or could have been if the said acts and the said letters patent, or any of them, had not been made.

and the said rents to be vested in his Majesty.

XII. And be it further enacted, That it shall and may be lawful to and for the said commissioners appointed by this act to contract and agree with any person or persons, or any bodies politick or corporate, for the sale of any fee farm rents, rents services, rents seck, quit rents, chauntry rents, guild rents, castle guard rents, viscontiel rents, and other dry, fixed, and unimproveable rents, due and payable to his Majesty, his heirs or successors, within the survey and receipt of his Majesty's exchequer, at or for the best prices or considerations, in money, which the said commissioners shall be able to procure for the same, not being less, for any rent amounting to or exceeding one shilling *per annum*, than after the several rates of purchase following; (that is to say),

Commissioners may agree for the sale of rents at the best prices they can procure, not being under the rates following, viz.

For any rent amounting to ten shillings *per annum*, or upwards, not less than twenty-four years purchase of the net amount thereof, after deducting the land tax chargeable thereon:

For rents of 10s. per ann. and upwards, 24 years purchase of the net amount.

For any rent amounting to five shillings *per annum*, and being under ten shillings *per annum*, not less than twenty-two years purchase of the gross amount thereof:

From 5s. to 10s. per ann. 22 years purchase.

And for any rent amounting to one shilling *per annum*, and being under five shillings *per annum*, not less than twenty years purchase of the gross amount thereof.

From 1s. and under 5s. 20 years purchase.

XIII. Provided always, and be it further enacted, That the immediate

immediate owners of the lands or hereditaments whereout any rents hereby made saleable are issuing or payable, shall be preferred in the purchase thereof to all others, so that such owners shall respectively pay and discharge all arrears of rent due from them, and tender themselves in person, or by agent, before the said commissioners hereby appointed to contract for the purchase thereof, before the first day of *January*, one thousand seven hundred and eighty-eight.

Owners of the lands to have the preference in purchasing the rents on certain conditions.

XIV. *And, for facilitating the conveyance of the aforesaid rents to the respective purchasers thereof, at a small expence, and to relieve the said commissioners from the charge and account of the purchase monies:* be it further enacted, That the governor and directors of the bank of *England* shall, and they are hereby required to open an account in their books with the said commissioners hereby appointed, under the title of *Commissioners for the Land Revenue*, and carry to the credit of such account the several monies by this act directed to be paid to the cashiers of the bank; and whensoever the said commissioners shall have contracted with any person or persons, bodies politick or corporate, for the sale of any rent or rents, the said commissioners shall grant unto the purchaser or purchasers thereof a certificate under their hands, specifying the rent or rents so contracted for, and the amount of the purchase money to be paid for the same; and the said cashiers of the bank, or one of them, shall, upon the production of such certificate, accept and receive from such purchaser or purchasers the purchase monies therein specified, and at the foot of such certificate acknowledge the receipt of the said monies, without fee or reward; and the said certificate and receipt shall be afterwards brought to the office of the auditor of the land revenue, and be by him forthwith enrolled in proper books to be provided and kept for that purpose, separate and apart from the other business and proceedings of his office; and the said auditor, having enrolled the said certificate and receipt as aforesaid, shall attest the same under his hand, and return the said certificate and receipt to the purchaser or purchasers; and from and immediately after such enrolment, and thenceforth for ever, the respective purchasers of such rents, and their heirs or successors, shall, by force of this act, be adjudged, deemed, and taken to be in the actual seizin and possession of the rents so by them respectively purchased, and shall hold and enjoy the same peaceably and quietly, freed and discharged of and from all claims and demands which can or may be made by his Majesty, his heirs or successors, or by any person or persons lawfully claiming by, from, or under him or them, or any of his Majesty's royal ancestors or predecessors, or by, from, or under the said trustees, or any of them, or the heirs of the survivor of them, and of and from all manner of incumbrances whatsoever, heretofore made or charged upon the same rents, and as fully and amply, to all intents and purposes, as his Majesty, his heirs or successors, might or could have held or enjoyed the same; and shall have and enjoy all and singular the powers, remedies,

Commissioners to certify purchases to the bank, who are to receive the purchase money, and grant receipts for the same on the certificates, which being enrolled with the auditor of the land revenue, is to give possession of the rents.

medies, benefits, and advantages for the recovery thereof, given or allowed to the purchasers of rents in and by the said recited acts of the twenty-second and twenty-second and twenty-third years of the reign of his said late majesty King *Charles* the Second, in as large and ample manner and form as if such purchases had been made of, and the said rents conveyed by, the trustees appointed or authorised in and by or under and by virtue of the same acts, or either of them.

Commissioners may compound for arrears, but not for a less sum than is due by the present owners of lands.

XV. *And whereas some of the said rents hereby directed to be sold are greatly in arrear, and the lands, tenements, and hereditaments, out of which the same are issuing, may have been purchased or come into the hands of the present owners of the said lands and hereditaments, without their having had the means of knowing or being apprized of the said rents and arrears payable for the same*; be it therefore further enacted, That it shall and may be lawful for the said commissioners hereby appointed, with the consent and approbation of the lord high treasurer, or the commissioners of the treasury, for the time being, in writing, under his or their hand or hands, to accept such pecuniary composition of the persons who shall become purchasers of any rent or rents in arrear, as, under all the circumstances of the case, shall be equitable and just, so that such composition be not less than the amount of the arrear or arrears of rent which shall have accrued from the present owners respectively of the lands, tenements, and possessions, out of which, or in respect whereof, such rent or rents are or may be issuing or payable.

Certificate to be granted on the sale of rents as follows.

XVI. And be it further enacted, That the certificates to be granted by the said commissioners, on the sale of any rent or rents as aforesaid, shall be expressed in the words following, or as near thereto as may be; (that is to say,)

Form of certificate.

BY *the commissioners of the land revenue.——These are to certify, That the said commissioners have contracted and agreed with* A. B. *for the sale to him of all that rent of issuing and payable out of* [briefly describing the lands or hereditaments chargeable] *now or late payable by at or for the price or sum of of lawful money of* Great Britain, *to be paid by the said* A. B. *into the bank of* England, *in the name of the said commissioners.* [And in the case of subsisting lease, then the words following are to be added] *subject nevertheless to a lease thereof, granted under the great seal of* Great Britain, [or, *the seal of his Majesty's exchequer*, as the case may be,] *bearing date the day of one thousand seven hundred and unto for a term of years, which will expire on or about the day of*

Given under the hands of the said commissioners, the day of

Certificates to be witnessed.

Which said certificates shall be respectively witnessed and attested, as to the signing thereof by the said commissioners of the land revenue,

revenue, by one of their principal clerks or other officers: and that the receipts to be given or subscribed by the cashier of the bank, at the foot or on the back of such certificate respectively as aforesaid, shall be in the words and figures following, or as near thereto as may be; (that is to say),

Form of receipt to be given by the cashier of the bank.

RECEIVED *the day of* *one thousand seven hundred and* *of and from* A. B. *the sum of* *of lawful money of* Great Britain, *being the consideration money expressed in the above* [or *within*] *written certificate.*

Witness my hand,

(Signed) E. F. *cashier.*

Certificates and receipts, when enrolled, to discharge purchasers from consideration money.

Which said certificates and receipts, being enrolled as aforesaid, shall effectually discharge the said purchasers, or other persons to whom the same shall be so given and granted, of and from the purchase or consideration money therein respectively expressed, and such purchasers or other persons shall never afterwards be liable to or called upon, sued troubled, molested, or questioned, for or in respect of such purchase or consideration money, or any part thereof.

Certificates, &c. to be enrolled at the expence of the parties, for which such fees are to be paid as the commissioners shall direct, &c.

XVII. And be it further enacted, That the certificates and receipts hereby directed to be given, shall be made forth and enrolled at the expence of the persons entitled to or requiring the same, for which certificate such fees shall be paid (exclusively of the expence of stamps, parchment, and enrolling) as the said commissioners shall direct and establish, in proportion to the value of the rent to be sold, so that no greater fee be paid for any one certificate than twenty shillings; and if the certificate be for more rents than one, a further fee shall be paid for every rent, not exceeding one fourth of the fee taken for the highest rent included in the same certificate; which said fees shall be received by, and distributed amongst, the officers and clerks of the said commissioners, in such manner and proportion as they shall direct; and the like fees as aforesaid, and no more, shall be taken by, and paid to, the auditor of the land revenue, for the enrolment of the said certificates and receipts.

If consideration money exceed 10l. the certificate to be then on a stamp, &c.

XVIII. And be it further enacted, That where the consideration money contracted to be paid for any purchase or discharge whatsoever, authorised to be made by this act, shall exceed the sum of ten pounds, the certificate of the said commissioners shall be written on parchment, stamped or notified with such a stamp duty as is required by law for the common conveyances of lands, and no other stamp shall be requisite for the cashier's receipt for such consideration money; and where such consideration money shall not exceed the sum of ten pounds, the said certificates shall or may be written on parchment, without any other stamp duty than such as shall by law be requisite for the cashier's receipts.

XIX. Provided always, and be it further enacted, That if

If certificate be not procured, and consideration money paid, etc. in 14 days, contracts to be void, etc.

any person or persons, with whom the said commissioners shall contract for any of the premises by this act authorised to be sold, discharged, or extinguished, shall neglect to procure and sue forth the commissioners certificate of his, her, or their contract, or shall neglect to pay into the bank the consideration money therein to be specified, or shall neglect to enrol such certificate, and the cashier's receipt for the said money, with the auditor of the land revenue, according to the directions of this act, for the space of fourteen days, to be computed from the day on which such contract shall have been made, the said contract shall be null and void, and the consideration money, if paid into the bank, shall be forfeited, unless the said commissioners shall, for any reasonable cause to them shewn for the omission of such enrolment, order the said certificate to be enrolled *nunc pro tunc*, and which, upon such cause being shewn, they are hereby authorised to order accordingly.

Monies paid into the bank to be laid out in the 3 per cent. consols, and the interest paid as directed by the treasury.

XX. And be it further enacted, That all and every sum and sums of money, which shall be paid into the bank of *England* under or by virtue of this act, shall from time to time be laid out, by the order of the said commissioners hereby appointed, in the purchase of three *per centum* consolidated bank annuities, in the names of the said commissioners, in which name the governor and company of the bank of *England* are hereby authorised and required to permit transfers to be made of the annuities, funds, or stock so to be purchased, and such transfers to be accepted by the commissioners appointed by this act, for and in the name of *the lord high treasurer of England*, and the said commissioners are hereby required to accept the same accordingly; and that all and singular the annuities so to be purchased and accepted, shall remain invested in the name of *the lord high treasurer*, or *the commissioners for executing the office of lord high treasurer*, for the time being, and shall not be transferred or transferrable without the authority of parliament; but all the interest of the said annuities or yearly dividends shall be from time to time paid by the said governor and company into the hands of such person or persons as shall be appointed to receive the same, by warrant or power of attorney under the hand and seal of the lord high treasurer, or of the commissioners of the treasury, for the time being, and shall, by force and virtue of this act, be deemed and taken in law to be part of the said land revenues of the crown, and shall be from time to time answered, accounted for, applied, and appropriated to such and the same uses and purposes as the land revenues of the crown now are or would hereafter have been liable to have been applied and appropriated, in case this act had not been made.

Persons receiving any part of the land revenue who shall not obtain a quie-

XXI. *And, for the furtherance and more perfect accomplishment of the purposes of this act*, be it further enacted, That all and singular persons, who by virtue of any office or employment by them held under the crown, have been intrusted, since his Majesty's accession, with the receipt of any monies arising by rents of his Majesty's lands, or by fines of the same, or by any of the said

said small branches of revenues before mentioned (sheriffs only excepted), or with money arising by sale of any of his Majesty's woods or timber in *England* or *Wales*, and whose several and respective accounts have not been declared and *quietus est* obtained thereon, or shall not be so declared before the first day of *August*, one thousand seven hundred and eighty-seven, and also the heirs, representatives, and sureties of any such persons intrusted as aforesaid, and now deceased, whose accounts are depending and unsettled, and who shall not, within the time aforesaid, procure such accounts of the deceased accomptants to be made up and declared in due form of law, shall, and they are hereby severally enjoined and required to deliver such respective accounts of their receipts and expenditure, with their vouchers for the same, unto the said commissioners appointed by this act, who shall thereupon proceed to take such order and course as they shall think fit for the closing, adjusting, and liquidating the same accounts, by or before the auditor of the land revenue, in whose charge and audit such unsettled accounts may happen to be respectively; and if any default shall be made by any of the persons or parties aforesaid, in the bringing before the said commissioners such unsettled accounts and such vouchers as aforesaid, within such time or times as the said commissioners hereby appointed shall limit and appoint for that purpose, it shall and may be lawful to and for the said commissioners, and they are hereby required, under their hands and seals, to certify the same, and the circumstances thereof, to the chancellor and barons of the exchequer for the time being, who shall thereupon award and issue forth such processes against the said defaulters as the nature of the case shall require, and the said court think expedient; and in cases of wilful default made in the delivery of any accounts or vouchers, by any of the particular receivers of the rents of the crown, or in the payment of any balance due from them, or any of them, upon the foot of their accounts, it shall and may be lawful to and for the said commissioners hereby appointed, by writing under their hands and seals, to suspend any of such receivers from the further receipt of any rents or revenues in their collection, so that every such suspension shall be forthwith certified by the said commissioners unto the chancellor and barons of the exchequer, who shall and may direct any other person or persons to collect and receive the rents and revenues in the charge of the receiver or receivers so suspended, and to take and enjoy the salaries, and other fees and emoluments of office, appertaining to such receipt and collection, during the continuance of such suspension; and every such suspension shall remain and continue in full force until the said chancellor and barons, by their order, to be made upon the submission of the party or parties so suspended to account for and pay the balance due from him or them, shall think fit, or direct, to take off and discontinue the same; any law, statute, or usage to the contrary notwithstanding.

tus before Aug. 1, 1787, to deliver their accounts to the commissioners to be liquidated.

Processes to be issued against defaulters herein,

and if the default be wilful, the commissioners may suspend them, etc.

XXII. And be it further enacted, That if any person who shall

Persons making false oaths incur the penalties of wilful perjury.

shall be examined upon oath or affirmation, or shall make any affidavit or deposition, on oath or affirmation, touching or concerning any of the matters or things by this act directed to be done or enquired into, shall be guilty of falsely and wilfully swearing or affirming to any matter or thing, which, if the same had been sworn or affirmed in any cause or suit depending in any of his Majesty's courts, would have amounted to wilful and corrupt perjury, every person so offending, and being thereof lawfully convicted, shall incur the same penalties and forfeitures as by the laws and statutes of this realm are provided against persons convicted of wilful and corrupt perjury.

His Majesty to appoint commissioners in place of such as may die, or decline to act.

XXIII. And be it further enacted, That if the said commissioners appointed by this act, or either of them, shall decline to act in the execution of the powers and trusts hereof, or, having begun to act therein, shall depart this life during the continuance of this act, it shall and may be lawful to and for his Majesty, by warrant or warrants under his royal sign manual, to constitute and appoint such person or persons to be a commissioner or commissioners for the purposes aforesaid, in the place of the commissioners so declining to act or dying as aforesaid, as his Majesty shall think fit, and so often as such case shall happen; and the person or persons so constituted and appointed by his Majesty, having first qualified to act by taking and subscribing the oath herein-before provided and directed, shall be invested with the same powers and authorities as are given or delegated by this act unto the said commissioner or commissioners constituted by this act respectively.

Appointment to the commission not to vacate a seat in parliament, or disqualify from being elected.

XXIV. And be it further enacted and declared, That the appointments of commissioners in the land revenue, made or authorised to be made by this act, shall not be deemed or taken to be within the intent or purview of an act of the sixth year of the reign of Queen *Anne*, intituled, *An act for the security of her Majesty's person and government, and of the succession of the crown of* Great Britain *in the Protestant line*, whereby to vacate the seat in parliament of either of the commissioners hereby appointed, or to be hereafter appointed, by virtue of this act, or to disqualify any such commissioner from being elected, or sitting, or voting as a member of the house of commons.

Commissioners not to be hereby authorised to enquire into royal palaces or adjoining lands.

XXV. Provided always, and be it enacted, That nothing in this act contained shall extend to give unto the said commissioners hereby appointed any power or authority to make any enquiry into, or otherwise to interfere with, any of his Majesty's royal palaces, or any houses occupied by any of the royal family, or the forests, parks, lands, or grounds of his Majesty, adjoining or contiguous to and occupied with any of such palaces or houses respectively, unless in obedience to any commands of his Majesty, to be for that purpose signified under his Majesty's royal sign manual.

Commencement and continuance of this act.

XXVI. And be it further enacted, That this act shall commence from and immediately after it shall have received his Majesty's royal assent, and shall continue in force for the term of three

three years, and from thence to the end of the then next session of parliament.

CAP. LXXXVIII.

An act for settling and securing a certain annuity for the use of lady Maria Carlton, *wife of sir* Guy Carlton, *knight of the most honourable order of the Bath, and* Guy Carlton *and* Thomas Carlton, *sons of the said sir* Guy Carlton, *in consideration of the eminent services performed by him to his Majesty and this country.*

Most gracious Sovereign,

Preamble.

WHEREAS *your Majesty, by your most gracious message to your faithful commons, has been pleased to signify your desire of conferring a signal mark of your royal favour on sir* Guy Carlton *knight of the most honourable order of the Bath, in consideration of the important services performed by him to your Majesty and this country, and for that purpose to grant to lady* Maria Carlton, *wife of the said sir* Guy Carlton, *and to* Guy Carlton *and* Thomas Carlton, *sons of the said sir* Guy Carlton, *for their several lives, an annuity of one thousand pounds* per annum; *but it not being in your Majesty's power to grant the same, or to settle the said annuity for so long a term, recommended it to the house of commons to consider of a proper method of enabling your Majesty to grant the said annuity, and of settling and securing the same in the most effectual manner, &c.*

Lady Maria Carlton, Guy Carlton, and Thomas Carlton, to receive an annuity of 1,000l. for their lives, from Jan. 1, 1785. Treasury to direct the auditor of the exchequer to make out debentures for the said annuity without fee. Annuity not to be determinable on the demise of his Majesty, his heirs or successors, or by death, or removal, or any lord of the treasury, or the determination of their respective offices. No fee to be required any where on account of the annuity. Receipt of lady Maria Carlton, Guy Carlton, or Thomas Carlton, respectively, to be a sufficient discharge for payment of the annuity, which is to be free of all taxes, and if neglected to be paid, officers of the exchequer may be sued.

CAP. LXXXIX.

An act to explain, amend, and extend to other tools and utensils, an act, made in the twenty-fifth year of the reign of his present Majesty, intituled, An act to prohibit the exportation to foreign parts of tools and utensils made use of in the iron and steel manufactures of this kingdom; and to prevent the seducing of artificers or workmen, employed in those manufactures, to go into parts beyond the seas.

Preamble, reciting 25 Geo. 3. c. 67.

WHEREAS *by an act, passed in the last session of parliament, (intituled,* An act to prohibit the exportation to foreign parts of tools and utensils made use of in the iron and steel manufactures of this kingdom; and to prevent the seducing of artificers or workmen, employed in those manufactures, to go into parts beyond the seas), *it was, amongst other things, enacted, That if any person or persons in* Great Britain *should, upon any pretence whatever,*

whatever, export, load, or put on board, or pack, or cause or procure to be laden, put on board, or packed, in order to be laden or put on board of any ship or vessel which should be bound to some port or place in parts beyond the seas, (except to Ireland); *or should lade, or cause or procure to be laden, on board any boat or other vessel, or should bring, or cause to be brought, to any quay, wharf, or other place, in order to be so laden or put on board any such ship or vessel, any tool or utensil therein particularly mentioned, or any other tool or utensil whatever which then were, or at any time or times thereafter should or might be, used in, or proper for the preparing, working, finishing, or completing of the iron or steel manufactures of this kingdom, or either of them, by what name or names soever the same should be called or known; or any model or plan, or models or plans, of any such tool, utensil, or implement, or any part or parts thereof; the person or persons so offending should, for every such offence, forfeit and lose all such tools or utensils, or parts or parcels thereof, together with the packages, and all other goods packed therewith: and whereas the general prohibition of the exportation of tools and utensils made use of in the iron and steel manufactures of this kingdom may be productive of inconvenience*; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the tenth day of *July*, one thousand seven hundred and eighty-six, it shall and may be lawful to export from *Great Britain* to the *British* islands in the *West Indies*, or to any other foreign part or place whatever, any tools or utensils made use of in the iron or steel manufactures of this kingdom, which might have been legally exported before the passing of the before recited act, (except the several articles herein-after particularly enumerated; that is to say, Rollers, either plain, grooved, or of any other form or denomination, of cast iron, wrought iron, or steel, for the rolling of iron, or any sort of metals, and frames, beds, pillars, screws, pinions, and each and every implement, tool, or utensil thereunto belonging; rollers, slitters, frames, beds, pillars, and screws, for slitting mills; presses of all sorts in iron, steel, or other metals, which are used with a screw exceeding one inch and an half in diameter; or any parts of these several articles, or any model or models of any of the before-mentioned utensils, implements, and machines, or any part or parts thereof; and all sorts of utensils, engines, or machines used in the casting or boring of cannon, or any sort of artillery, or any parts thereof, or any model or models of tools, utensils, engines, or machines used in casting or boring of cannon, or any sort of artillery, or any parts thereof; hand stamps, dog-head stamps, pulley stamps, hammers and anvils, for stamps, presses of all sorts called *Cutting out Presses*, beds and punches to be used therewith; piercing-presses of all sorts, beds and punches to be used therewith, either in parts or pieces, or fitted together; scoring or shading engines, presses for horn buttons, dies for horn buttons, rolled metal with silver thereon, parts of buttons not fitted

From July 10, 1786, such tools used in the iron and steel manufactures, etc. may be exported, as might have been before passing recited act, except the articles herein specified.

fitted up into buttons, or in an unfinished state; engines for chasing, stocks for casting buckles, buttons, and rings; die-sinking tools of all sorts, engines for making button shanks, taps of all sorts, tools for pinching of glass, engines for covering of whips, bars of metal covered with gold or silver, burnishing stones commonly called *Blood Stones*, either in the rough state or finished for use); any thing in the said recited act to the contrary in anywise notwithstanding.

No person to have in possession with intent to export (except to Ireland), any of the articles herein specified.

II. And be it further enacted by the authority aforesaid, That, from and after the tenth day of *July*, one thousand seven hundred and eighty-six, it shall not be lawful for any person or persons, in the kingdom of *Great Britain*, to export to parts beyond the seas, (except to *Ireland*), or to have in his or their possession with the intent so to export, any of the tools and utensils herein-after mentioned; that is to say, Wire moulds for making paper; wheels made of metal, stone, or wood, for cutting, roughing, smoothing, polishing, and engraving glass; purcellas, pincers, sheers, and pipes, used in blowing glass; potters wheels and potters lathes for plain, round, and for engine-turning tools, used by sadlers, harness-makers, and bridle-makers, namely, cantle-strainers, side-strainers, point-strainers, creasing-irons, screw-creasers, wheel-irons, seat-irons, pricking-irons, bolstering-irons, clams, head-knives; and that the said recited act, so far as the same concerns the exporters or possessors of the tools and utensils therein enumerated or described, shall extend, or be construed to extend, to all and every the exporters or possessors of the tools and utensils herein enumerated and described, as fully, to all intents and purposes, as if the same were repeated and re-enacted in the body of this act.

Recited act, so far as relates to exporters of articles therein enumerated, to extend to exporters of articles specified in this act.

Continuance of this act.

III. And be it further enacted, That this act shall continue in force until the end of the next session of parliament, and no longer.

CAP. XC.

An act for repealing so much of an act, passed in the twenty-second year of his present Majesty's reign, intituled, An act for granting to his Majesty additional duties upon salt; and certain duties upon Glauber or Epsom salts, and also on mineral alkali or flux for glass, made from salt; and to prevent frauds in the duties on foul salt, to be used in manuring of lands, as relates to the obtaining rock salt, or salt rock, or brine, or sea water, for the purpose of making mineral alkali, or flux for glass, duty-free.

Preamble, reciting 22 Geo. 3. c. 39. in part. From Aug. 1, 1786, such part of recited act as relates to obtaining, duty-free, rock salt, &c. for making a flux for glass, to be repealed, except as after mentioned. Glass makers may take rock salt, salt rock, or brine, or sea water, for making a flux for glass, at their own glass works, upon the terms of the recited act. This act not to extend to duties due, and seizures made, &c. before Aug. 1, 1786.

CAP. XCI.

An act for making perpetual an act, made in the fourteenth year of the reign of his present Majesty, intituled, An act for regulating mad-houses.

CAP. XCII.

An act to continue, for a limited time, an act made in the twenty-fourth year of the reign of his present majesty King George the Third, to explain, amend, and render more effectual, an act, made in the thirtieth year of the reign of his late majesty King George the Second, intituled, "An act for the more effectual punishment of persons who shall attain, or attempt to attain, possession of goods or money, by false or untrue pretences; for preventing the unlawful pawning of goods; for the easy redemption of goods pawned; and for preventing gaming in publick houses, by journeymen, labourers, servants, and apprentices;" so far as the same relates to the preventing the unlawful pawning of goods; and for the easy redemption of goods pawned.

24 Geo. 3. c. 42. recited, and so much thereof as relates to the preventing unlawful pawning of goods, and the easy redemption of pawns, continued from its expiration to the end of the next session. Publick act.

CAP. XCIII.

An act to enable his Majesty to grant a certain annuity to Brook Watson esquire, late commissary general in North America, in consideration of his diligent and meritorious services in that office.

22 Geo. 3. c. 82. recited. 500l. annuity may be granted to Brook Watson esq; for the life of Helen Watson, his wife. Grant under this act not to restrain his Majesty from granting any other pensions.

CAP. XCIV.

An act for making compensation to the proprietors of such lands and hereditaments as have been purchased for the more safe and convenient carrying on his Majesty's gunpowder works and mills near the town of Faversham, and for the better securing his Majesty's docks, ships, and stores, at Portsmouth and Plymouth, in pursuance of acts of parliament made in the twenty-third and twenty-fourth years of his present Majesty's reign; and for other purposes therein mentioned.

23 Geo. 3. c. 37, recited; 24 Geo. 3. c. 29, recited; 33,890l. 15s. 1d. 3q. to be paid to the proprietors of lands, &c. in Kent, Southampton, and Devon, taken possession of for publick use under recited acts. Surveyor of the ordnance to grant bills to the parties, for their respective claims, &c. Sums for which debentures are granted to be paid accordingly; 30l. decreed to the dean and chapter of Canterbury, to be paid to such person as they shall authorise to receive it, &c. Money decreed to be paid to trustees, to be paid by the treasurer of the ordnance to the deputy King's remembrancer, who is to grant certificates, to be filed in the exchequer. Deputy remembrancer to pay to the bank the money he receives. Barons of exchequer to give directions about monies received by the deputy remembrancer, &c. Vicar of Faversham, and rector of Alverstoke, to receive the annual income of the sums decreed for the lands belonging to them. In case of death of deputy remembrancer, stock vested in him to vest in his successor. If on death of deputy, the King's remembrancer shall execute the office, the powers of this act to vest in him. Clerk of the ordnance to deposit with the clerk of the peace, debentures of persons neglecting to take the same in due time, etc. Lands in Hampshire valued in decree under recited acts, to vest in his Majesty from time of payment of the value and those not valued, to be revested in the proprietors. Limitations of actions, to six calendar months after fact. General issue, may be pleaded, etc. Defendant may have treble costs.

CAP. XCV.

An act for enlarging the times appointed for the first meetings of commissioners,

missioners, and other persons, for putting in execution certain acts of this session of paliament.—To meet in a fortnight after the end of the session.

CAP. XCVI.

An act to provide that the proceedings now depending in the house of commons upon articles of charge of high crimes and misdemeanors, which have been exhibited against Warren Hastings esquire, late governor general of Fort William in Bengal, shall not be discontinued by any prorogation or dissolution of parliament.

CAP. XCVII.

An act for raising a further sum of money, by exchequer bills, for the service of the year one thousand seven hundred and eighty-six.—3,000,000l. raised by this act.

CAP. XCVIII.

An act to indemnify such persons as have omitted to qualify themselves for offices and employments; and to indemnify justices of the peace, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for those purposes; and to indemnify members and officers, in cities, corporations, and borough towns, whose admissions have been omitted to be stamped according to law, or, having been stamped, have been lost or mislaid; and for allowing them time to provide admissions duly stamped; to give further time to such persons as have omitted to make and file affidavits of the execution of indentures of clerks to attornies and solicitors.—Time enlarged to Dec. 25, 1786, and attornies to file affidavits before Michaelmas term.

CAP. XCIX.

An act to ascertain the fees to be taken by the officers of the receipt of his Majesty's exchequer, on the issues of money which have been made, and shall hereafter be made, for the payment of certain pensions at the receipt of his Majesty's exchequer.

Preamble. 22 Geo. 3. c. 82, recited.

WHEREAS *by an act of parliament passed in the twenty-second year of the reign of his present Majesty, (intituled,* An act for enabling his Majesty to discharge the debt contracted upon his civil list revenues, and for preventing the same from being in arrear for the future, by regulating the mode of payments out of the said revenues, and by suppressing or regulating certain offices therein mentioned, which are now paid out of the revenues of the civil list), *it is among other things enacted, That no pension whatsoever, on the civil establishment, shall hereafter be paid but at the exchequer, and in the same manner as those pensions which were then paid and entered at the exchequer under the head, title, and description of* Pensions, *and with the name of the person to whom, or in trust for whom, the said pension was granted; and that those which were transferred thither by the said act should be subject to no taxes or fees whatsoever, except the taxes and fees to which before the said act they were subject, any statute, law, or usage to the contrary notwithstanding; nor should any pension, hereafter to be granted, be charged at the exchequer with further or other fees than were heretofore paid on pensions to the paymaster of the pensions: and whereas it is recited by the said act, that it being intended that all*

savings from salaries and fees of the offices by the said act suppressed, should be applied in aid of the civil list expences, it is by the said act further enacted, that all fees hitherto payable, and by the said act not excepted, on any payments within the civil list revenues, do still continue to be paid, and remain for the disposal of the commissioners of the treasury: and whereas there have been for many years issues of money out of the receipt of his Majesty's exchequer, under the title of Secret and Special Service, *by which many pensions have been paid at the treasury, on which the officers of the receipt of his Majesty's exchequer were allowed to take fees to the amount of two and an half* per centum, *and likewise issues of money to the paymaster of pensions, on which the said officers were allowed to take fees to the amount of one pound, three shillings, and nine-pence* per centum, *which fees were never charged upon the said pensions, but were paid by the commissioners of the treasury: and whereas no sufficient provision is made in the said act for the payment of the fees to which the officers of the receipt of his Majesty's exchequer were legally intitled before the passing of the said act, whereby the said officers have been, and may hereafter be prevented from receiving the same, contrary to the intentions of the said act: for remedy whereof,* be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful, from and immediately after the fifth day of *July*, one thousand seven hundred and eighty-six, to and for the commissioners of his Majesty's treasury, now or for the time being, or any three or more of them, to issue and pay, and they are hereby authorised and required to issue and pay, or cause to be issued and paid, out of the monies which have arisen, or shall arise, by any savings accruing from the salaries and fees of the offices by the said act suppressed, or from fees payable on any payments within the civil list revenues, which, by the said act, remain for the disposal of the commissioners of the treasury, (or out of any such other of his Majesty's civil list revenues), as they shall think fit, all such sum or sums of money to the auditor, clerk of the pells, or any or either of the four tellers, or any other of the officers and clerks of the receipt of his Majesty's exchequer, upon any sum or sums of money issued since the passing of the said act, or to be hereafter issued for the payment of pensions transferred from the treasury, and from the office of paymas of pensions, to the receipt of his Majesty's exchequer, as the said officers of the receipt of his Majesty's exchequer would have been intitled to have received as their legal fees upon issues of the like sums of money, under the head of *Secret or Special Service*, or to the paymaster of pensions; any thing in the said act contained to the contrary thereof in any wise notwithstanding.

From July 5, 1786, treasury to pay fees on pensions transferred from treasury and pension office to the exchequer, to officers thereof.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the auditor, clerk of the pells, or any or either of the four tellers, or any other of the officers or clerks of the receipt of his Majesty's exchequer, to demand and take

Officers of exchequer may demand fees on pensions granted or to be

take upon all pensions granted since the passing of the said act, or hereafter to be granted, the fees of two and one half *per centum*, and no more, (which were the usual fees paid heretofore to the late paymaster of the pensions on pensions paid at that office), according to their respective proportions, which said fees are by the said act charged upon the said pensions. granted, since recited act.

III. And be it further enacted by the authority aforesaid, That upon the death, surrender, forfeiture, or removal of the auditor, or any or either of the four tellers, the proportion of the said fees belonging to the respective officer so dying, surrendering, forfeiting, or being removed, shall be applied to the uses and purposes directed by an act of the twenty-third year of the reign of his present Majesty, (intituled, *An act for establishing certain regulations in the receipt of his Majesty's exchequer*); and such proportion of the said fees, belonging to the clerk of the pells, as are allowed to be taken upon monies issued for the payment of the said pensions during the life of the right honourable sir *Edward Walpole*, late clerk of the pells, be paid to his legal representative or representatives; and such proportion of the said fees as are or shall be allowed to be taken upon monies issued for the payment of the said pensions since the decease of the said late sir *Edward Walpole*, shall be reserved for the uses and purposes directed by the said act. On death of the auditor, etc. the fees to be applied to the purposes of the recited act, etc.

IV. And be it further enacted by the authority aforesaid, That this act shall be adjudged, deemed, and taken to be a publick act; and shall be taken notice of as such by all judges, justices, and other persons, without specially pleading the same. Publick act.

CAP. C.

An act to prevent occasional inhabitants from voting in the election of members to serve in parliament, for cities and boroughs, in that part of Great Britain *called* England, *and the dominion of* Wales.

WHEREAS *it frequently happens, in cities and boroughs where the right of election of members to serve in parliament is in the inhabitants paying scot and lot, or in the inhabitants householders, housekeepers, and pot-wallers, legally settled, or in the inhabitants householders, housekeepers, and pot-wallers, or in the inhabitants householders resiants, or in the inhabitants within such cities or boroughs, that much trouble, expence, and litigation, is created by occasional voters, to the great prejudice of the real inhabitants, who bear the burthens of such cities and boroughs, and to whom the right of sending members to parliament belongs: for remedy thereof*, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *August*, one thousand seven hundred and eighty-six, no person shall be admitted to vote at any election of a member or members to serve in parliament for any city or borough of that part of *Great Britain* called *England*, Preamble. From Aug. 1, 1786, any person voting as an inhabitant, paying scot and lot,

etc. who shall not have been so 6 months previous to the election, to forfeit 20l.;

England, or the dominion of *Wales*, as an inhabitant paying scot and lot, or as an inhabitant householder, housekeeper, and pot-waller, legally settled, or as an inhabitant householder, housekeeper, and pot-waller, or as an inhabitant householder resiant, or as an inhabitant of such city or borough, unless he shall have been actually and *bona fide* an inhabitant paying scot and lot, or an inhabitant householder, housekeeper, and pot-waller, legally settled, or an inhabitant householder, housekeeper, and pot-waller, or an inhabitant householder resiant, or an inhabitant within such city or borough, six calendar months previous to the day of the election at which he shall tender his vote; and if any person shall vote at any such election, contrary to the true intent and meaning of this act, his vote shall be deemed null and void, and he shall forfeit, to any person who shall sue for the same, the sum of twenty pounds, to be recovered by him or her, by action of debt, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, wager of law, privilege, or imparlance, shall be admitted or allowed; and in every such action the proof of inhabitancy, as aforesaid, shall lie upon the person against whom the same shall be brought: provided nevertheless, That such action be commenced within six calendar months after the cause of action accrued: provided also,

Not not to extend to persons acquiring possession by descent, etc.

That nothing in this act contained shall extend, or be construed to extend, to any person acquiring the possession of any house, in any city or borough, by descent, devise, marriage, or marriage settlement, or promotion to any office or benefice.

nor to persons claiming a right to vote under any other description than inhabitants paying scot and lot, etc.

II. Provided also, and be it further enacted, That this act shall relate only to those persons who claim to exercise the franchise of voting as inhabitants paying scot and lot, or as inhabitants householders, housekeepers, and pot-wallers, legally settled, or as inhabitants householders, housekeepers, and pot-wallers, or as inhabitants householders resiants, or as inhabitants within such cities or boroughs, and shall not extend to any other description of persons who may claim to vote at any election for members to serve in parliament for such cities or boroughs, by any other title, or by any other superadded qualification.

CAP. CI.

An act for erecting certain light-houses in the northern parts of Great Britain.

Preamble.

WHEREAS *it would conduce greatly to the security of navigation and the fisheries, if four light houses were erected in the northern parts of* Great Britain; *one at* Kinnaird's Head, *in the county of* Aberdeen; *one on the island of* North Ranilsha, *in the* Orkneys; *one on the point of* Scalpa, *in the island of* Herries; *and a fourth on the* Mull of Kintyre: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament

parliament assembled, and by the authority of the same, That it shall and may be lawful to and for his Majesty's advocate and solicitor general for *Scotland*; the lord provost, and eldest baillie of *Edinburgh*; the lord provost, and eldest baillie of *Glasgow*; the provosts of *Aberdeen*, *Invernes*s, and *Campbeltown*; the sheriffs depute of the counties of *Edinburgh*, *Lanerk*, *Renfrew*, *Bute*, *Argyle*, *Invernes*s, *Ross*, *Orkney*, *Caithnes*s, and *Aberdeen*, for the time being, or any five of them, which number is hereby declared to be a *quorum*, who are hereby appointed commissioners or trustees for putting this act in execution, to contract and agree with the owners or proprietors of lands, lying and situated at the places aforesaid, and most convenient for erecting the said light-houses, for so much land as may be necessary for that purpose, and shall pay such rate and consideration for the same, as shall be agreed on between the said commissioners or trustees, and the owners or proprietors of such lands, either by absolute purchase, or by payment of a rent, or certain annual sum for the same.

Any five of the commissioners hereby appointed may agree for lands for erecting light-houses in the northern parts of Great Britain

II. *And whereas it may happen that some of the owners, proprietors, or occupiers of such land, which may be necessary for erecting the said light-houses, may insist upon too high prices or rents for the same, or through infancy, minority, defect of the title deeds, incumbrances, debts, or other disabilities or causes, it may be difficult to obtain valid and legal rights to some of the properties necessary to be used for these purposes; for remedy whereof*, be it enacted by the authority aforesaid, That if any owners or occupiers of any lands or heritages shall be under any of the circumstances before described, it shall and may be lawful for the said commissioners or trustees, and they are hereby authorised and impowered to apply to the sheriff depute of the county where such lands and heritages shall respectively lie, who, upon such application, is hereby impowered and required to order a visitation and inspection of such lands and heritages, and to call before him the respective owners, proprietors, or occupiers thereof, or the trustees, tutors, or curators, or others, having the charge and administration of the affairs of such owners, proprietors, or occupiers, requiring them, within a limited time, to shew cause why such lands and heritages, may not be alienated, granted, or leased for the purposes aforesaid; and thereupon the said sheriff shall proceed to hear the said parties, and to pronounce sentence upon the said matter as shall be reasonable and just: provided always, That if any person or persons shall think him or themselves aggrieved by the sentence of the said sheriff, that it shall and may be lawful to such person or persons to apply, by petition, to the lords of council and session to have such sentence reviewed, altered, or amended, and the lords of session are hereby impowered and required to proceed and determine therein summarily, without abiding the course of any roll: provided always, That such application be made to the lords of session within twenty-one days after the date of the sheriff's sentence, if the court be then sitting, or within six days after the meeting of the said court.

Sheriffs depute to order inspection of lands where differences arise relative to price, etc.

Appeal may be moved from the sheriffs to the lords of session.

III. And

Sheriffs to ſummon juries to determine the value of lands.

III. And be it enacted by the authority aforeſaid, That if upon trial it ſhall appear to the ſaid ſheriff, that the ſame may be alienated, granted, or leaſed, without hurt or prejudice of the ſaid owners, proprietors, or occupiers, and ſhall be ſo found and declared, then, for aſcertaining the value or conſideration, or rent to be paid for the ſaid lands and heritages, it ſhall and may be lawful to and for the ſaid ſheriff, and he is hereby impowered and required, after the elapſing of the ſaid ſpace in which the perſons who may think themſelves aggrieved are allowed, to apply to the court of ſeſſion for redreſs aforeſaid; or in caſe of any ſuch application, after a decree of the ſaid lords ſhall be extracted thereupon, to ſummon and impannel a competent number of diſcreet, ſubſtantial, and diſintereſted perſons of the county in which the lands are ſituated, not leſs than twenty, nor more than forty, and out of ſuch perſons ſo ſummoned and returned, to name and appoint a jury of fifteen perſons, each of them poſſeſſed of an eſtate of fifty pounds *Scots* valued rent in the county, to come and appear before him, at ſuch time and place as by his warrant or precept ſhall be directed, and to receive ſuch evidence as ſhall by either party be brought before him; and the ſaid ſheriff ſhall examine the ſaid evidence upon oath (which oath he is hereby authoriſed and impowered to adminiſter), touching the value, conſideration, or rent, to be paid to the reſpective owners, proprietors, or occupiers of the ſaid lands or heritages, neceſſary for erecting the ſaid light-houſes; and the verdict of the ſaid jury ſhall be final and concluſive: provided always, That all parties concerned ſhall have their lawful challenges againſt any of the ſaid jurymen.

Sheriffs to order payment of ſums awarded by verdict of juries, &c.

IV. And be it further enacted by the authority aforeſaid, That the ſaid ſheriff depute ſhall, and he is hereby authoriſed and required, upon ſuch verdict given, to order payment of ſuch ſum or ſums of money, or the rents or certain annual ſums, and to ordain the owners, proprietors, or occupiers of ſuch lands and heritages, or their truſtees, tutors, curators, or adminiſtrators, to convey, grant, or leaſe to the ſaid commiſſioners or truſtees, all ſuch lands and heritages for the purpoſes aforeſaid; and all contracts, agreements, ſales, leaſes, or other conveyances, made or directed to be made, ſhall be valid to all intents and purpoſes; any law, ſtatute, uſage, or any other matter or thing whatſoever, to the contrary thereof notwithſtanding: and all truſtees, tutors, or curators, corporations, proprietors, or incumbrancers, ſubject to tailzies, and all other perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue of, or in purſuance of this act: provided always, That the price, conſideration, feu-duty, rents, or annual ſum, to be paid for the ſaid lands, ſhall be ſettled or veſted, in truſtees, ſo as to deſcend and be deviſed to the ſame heirs of tailzie, and be ſubject to all ſuch truſts, conditions, and limitations, as are contained in the original ſettlements, deeds, or tailzies, of the reſpectively lands ſo conveyed for the purpoſes aforeſaid.

Commiſſioners to appoint collectors.

V. And be it enacted, That it ſhall and may be lawful to and for

for the said commissioners or trustees to chuse and appoint, by writing under their hands, clerks or collectors for levying the duties herein-after mentioned, and such other officers as they shall judge necessary to be employed under them, for carrying this act into execution, and from time to time to remove such officers, or any of them, and to appoint others in their stead, and to settle such fees or salaries to such clerks, collectors, and other officers, as the said trustees shall judge reasonable.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners or trustees to erect, or cause to be erected, upon the foresaid lands, proper light-houses, with such other buildings and conveniences as to them shall appear necessary; and also to erect, or cause to be erected, breasts or wharfs for landing coals or fuel for burning in such light-houses, or any materials necessary for the building and maintaining the same; and also to make, or cause to be made, roads from the said breasts or wharfs to the said light-houses. Commissioners to erect light-houses, etc.

VII. And be it further enacted by the authority aforesaid, That from and after the time such light-houses shall be finished, in such manner as to have the proper lights or signals put up therein, it shall and may be lawful to and for the said trustees, or for such persons as they shall appoint, to demand, collect, receive, and take, of and from all and every the masters and owners of every ship or decked vessel, the sums following; (that is to say), When light-houses are completed, the duties following to be paid by ships passing them.

From every *British* ship or decked vessel, navigated according to law, which shall pass any of the said light-houses, whether the said ship or vessel shall be outward or homeward bound, or on a foreign voyage, or sailing coastways, a sum not exceeding one penny sterling *per* ton: For every British vessel, 1d. sterling per ton:

And for every foreign ship or decked vessel, passing as aforesaid, a sum not exceeding two-pence sterling *per* ton. If foreign, 2d. per ton.

VIII. Provided always, and be it further enacted by the authority aforesaid, That the said commissioners or trustees shall, out of the duties hereby granted, satisfy and pay to the owners, proprietors, or occupiers of the said lands, on which the said light-houses are to be erected, the consideration, feu-duty, or rent agreed or awarded to be paid for the same. Consideration money for lands to be paid out of the duties.

IX. And be it enacted by the authority aforesaid, That the said trustees shall keep and enter, in proper books, minutes of their proceedings, and fair, just and true accounts of the receipts and disbursements of all monies which shall be received or expended by them in consequence of this act, and shall cause to be made out and properly authenticated, once in every year, four copies of the said accounts, whereof one shall be transmitted to the lord high treasurer of *Great Britain*, or lords commissioners of his Majesty's treasury; two to the commissioners of his Majesty's customs at *Edinburgh*, to be presented by them to Annual accounts of receipts and disbursements to be sent to the treasury, etc.

to both houses of parliament; and one to be delivered to the annual convention of the royal boroughs in *Scotland*.

Commissioners may borrow 1,000l. and the expences of this act, on credit of the duties.

X. And be it further enacted by the authority aforesaid, That the said commissioners or trustees shall be, and they are hereby impowered and declared to have full power and lawful authority, at any time or times hereafter, by any mortgage or mortgages, or any act or acts, deed or deeds, under their hands duly executed, to borrow or take up, at a rate of interest not exceeding the lawful interest at the time of the loan, any sum or sums of money, not exceeding one thousand pounds sterling, upon the security and credit of the duties granted by this act, for answering the expences of making the works aforesaid, and such further sum as shall be sufficient to discharge the expence of obtaining and passing this act; and may assign such duties to any person or persons, body politick or corporate, who shall furnish or advance such money, or any part thereof, as a security for repayment of the same.

No entry of ships liable to the duty to be received, unless a receipt for the same be produced.

XI. *And, to the intent the duties may be duly answered and paid,* be it further enacted by the authority aforesaid, That the collectors of his Majesty's customs, comptrollers, receivers of entries, surveyors or searchers, waiters, and all other officers of the customs whatsoever, or their respective deputies or clerks, at any of the ports, harbours, or places of *Great Britain*, shall not, after the commencement of the said duties, take or receive any entry or cocquet, or other discharge or clearance, or take any report outwards, for any ship or vessel liable or subject to the said duties, until the said duties shall be paid pursuant to the directions of this act, to the respective collectors to be appointed by the said commissioners or trustees to receive the same, and until such respective master or owner of any ship or vessel, subject to the said payment thereof, shall shew to such respective officer a receipt for the same.

Goods may be seized if duties are not paid, etc.

XII. And be it further enacted by the authority aforesaid, That in case any owner or master, or any person having the charge or command of any such ship or ships, vessel or vessels, charged or chargeable with any of the duties granted by this act, shall refuse to pay the same, that then and in such case it shall and may be lawful to and for the said trustees, or the collector or collectors, or other persons to be appointed by them, to seize, take, and detain, preferable to, and notwithstanding any right of hypothecation, attachment, arrestment, or other right whatsoever, claimable by or due to any person, any of the goods, merchandize, guns, tackle, furniture, and apparel, of or belonging to any such ship or vessel, and the same to detain and keep until the said duties shall be satisfied and paid; and in case of any neglect or delay in payment of the said duties for the space of three days after such seizing, taking, or detaining, that then it shall and may be lawful for the said trustees, or the collector or collectors, receiver or receivers of the said duties, or such person or persons as the said trustees shall authorise and appoint, to cause the same to be appraised by two or more sufficient

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cient persons or sworn appraisers, and afterwards to sell and dispose of the goods so taken and appraised, and thereout to satisfy the said duties so neglected to be paid, together with the charges of such seizing, taking, detaining, and selling the same, shall be ascertained by the said seizers, upon oath, rendering to the masters or owners of such ship or vessel the overplus (if any there be) on demand: provided nevertheless, That nothing in this act contained shall extend, or be construed to extend to charge any of the ships or vessels belonging to his Majesty, his heirs or successors, or any vessel or wherry employed in the service of his Majesty's revenue, or any ships or vessels employed in the *Greenland* or other northern whale fishery, or going to *Archangel* in *Russia*, or returning from thence, provided the said ships return before the fifteenth day of *September* in each year.

Exemption from duties in favour of the royal navy, etc.

XIII. Provided also, and be it enacted, That no ship or vessel, whether outward or homeward bound, or sailing coastways, shall pay more than one penny or two-pence as aforesaid, although the said ship or vessel shall have, in the course of the said voyage, passed more than one of the said light-houses.

Vessels passing more than one light-house to pay duty only once.

XIV. And be it further enacted, That as soon as the four light-houses aforesaid are built and lighted in a proper manner, notice thereof shall be given by the commissioners or trustees three several times in the *London Gazette*, and in all the *Edinburgh* newspapers; and the said duty on the tonnage of ships and vessels passing the said light-houses shall only commence and be exigible one calendar month after the date of such first notice in the said *Gazette* and newspapers.

Duties not payable till a month after notice of the light-houses being completed.

XV. And it is hereby further enacted and declared by the authority aforesaid, That the said light-houses and other buildings shall be vested in the said trustees or commissioners, who shall, from time to time, keep and maintain the same in good and sufficient repair, and shall in the night season maintain a proper fire or light therein, so as the trade, navigation, and the fisheries may be effectually benefited, according to the true intent and meaning of this act, and it shall and may be lawful to and for the said commissioners and trustees, out of the said duties granted by this act, to pay all just and reasonable sums of money and charges that shall or may be expended in erecting, maintaining, and supporting the said light-houses, and fire or light to be kept therein, together with all other charges which shall be proper and necessary for executing the aforesaid trust, and the interest of all such sums from the respective times of advancing the same until reimbursement, with the charges of collecting and recovering the duties aforesaid, and likewise to the discharge of the principal of the said sums.

Light houses to be vested in the commissioners, etc.

XVI. And be it further enacted by the authority aforesaid, That if any surplus shall remain, after the several payments herein-before directed to be made, the same shall, once in every year, be vested in some one or other of the publick funds of the kingdom, and shall be allowed, together with its interest, to accumulate until the yearly interest of the same shall amount

Surplus of duties to be vested in the funds, and when sufficient to the

pences of the light-houses, duties to cease.

to a sum equal to the whole expence attending the said light-houses; and that, how soon the said interest shall amount to the sum necessary for the purposes of the said light-houses, then, and in that case, the sums that shall have been heretofore payable by the several ships and vessels passing the said light-houses, shall *ipso facto* cease, determine, and be no longer payable.

Commissioners may compound for duties.

XVII. And be it enacted by the authority aforesaid, That if the said commissioners or trustees, at their annual general meeting to be herein-after appointed, shall find that the payment of the several duties aforesaid bears particularly hard on any ships or vessels, by reason of the said ships or vessels passing frequently in the same year some one or other of the said light-houses, and being employed in a trade which cannot bear a frequent repetition of the said duties, it shall be lawful for the said commissioners or trustees, on a representation from the masters or owners of the said ships or vessels, or of the persons concerned in the said trade, and on the truth of the allegations contained in the said representation being proved to the satisfaction of the said commissioners or trustees, to compound with, or agree by the year with, the masters or owners of the said ships or vessels for a lesser sum than the duties *per* ton exigible at the time would amount to.

Meetings of commissioners.

XVIII. *And, for carrying this act into execution*, be it enacted by the authority aforesaid, That there shall be a general meeting of the said commissioners or trustees, held at *Edinburgh* on the first *Tuesday* of *August*, in the year one thousand seven hundred and eighty-six, and in every subsequent year on the *Tuesday* of the week in which the general convention of the royal boroughs in *Scotland* is held; which meetings shall have power to adjourn from time to time: provided always, That all alterations in the rates of the duties to be paid as aforesaid shall be made at one of the said general meetings, and the accounts audited and passed at the said general meetings.

Defendants may plead this act, and to be entitled to double costs.

XIX. And be it further enacted by the authority aforesaid, That, in case any suit or action shall be commenced against the said commissioners or trustees, or any other person or persons, for any thing done in pursuance of this act, the defendant or defendants, in such suit or action, may produce this act, and plead that the said things were done in pursuance and by the authority of this act, and if it shall appear so to be done, that then the defendants shall be absolved from every such suit, action or actions, and shall have double costs and expences in the defence thereof awarded to them, from and against the prosecutor or prosecutors of the same.

Sheriffs, etc. to assist in the execution of this act.

XX. And be it further enacted by the authority aforesaid, That all sheriffs, justices of the peace, judges, and magistrates, with their officers, messengers at arms, and all other officers and executors of the law whatsoever, and every of them, are hereby required to be aiding and assisting in putting this act into due and effectual execution.

XXI. And

XXI. And be it further enacted by the authority aforesaid, That this act shall be deemed, taken, and allowed, in all courts of law or equity, as a publick act; and all judges and justices of such courts are hereby required to take notice of it as such, without specially pleading the same. Publick act.

CAP. CII.

An act for enlarging the term and powers of an act, passed in the fifth year of his present Majesty's reign, for impowering the commissioners for putting in execution the several acts passed for paving, cleansing, and lighting the squares, streets, and lanes, within the city and liberty of Westminster, and parts adjacent, to collect certain tolls on Sundays upon the several roads therein mentioned, and apply the same for the purposes of the said acts.

5 Geo. 3. c. 13, recited. 7 Geo. 3. c. 101, and continued for 21 years (except as to stamp duties). Enabling the trustees to apply part of the tolls in aid of the 1000l. per ann. paid for paving piccadilly, etc. Expences of this act to be paid out of the first money raised.

CAP. CIII.

An act for assessing the commissioners, clerks, and other officers of the office for victualling his Majesty's navy, for their salaries, and the profits of their respective offices, to the land tax, in the manor of East Smithfield, in the tower division, in the county of Middlesex, notwithstanding the removal of the said office into any other division or place.

c. 3. land tax this session. Commissioners, etc. of victualling office to continue to be assessed to the land tax in East Smithfield, on the removal of the office; but one fourth of assessment for appointments created since Feb. 15, 1692, and the whole for those from Dec. 25, 1785, to be paid to the division to which the office may be removed. Publick act.

CAP. CIV.

An act for allowing a drawback of the duties upon coals used in smelting copper and lead ores, and in fire engines for draining water out of the copper and lead mines, within the Isle of Anglesey.

WHEREAS *there are within the* Isle of Anglesey *considerable mines of copper and lead, but for want of coals and other fuel within the said isle, proper for smelting the copper and lead ores raised from the said mines, the said ores, in order to be smelted, are always carried to places where coals pay no duty, as under the present duties upon coals, added to the expences of freight, and other charges, the ore from the said mines cannot be smelted within the said isle without considerable loss to the proprietors, who are thereby prevented from working the said mines effectually: and whereas, by reason of the increasing depth of the said mines and the situation of the ore, it will be impossible for the water to be kept out of them without the help of fire engines, in working of which great quantities of coals must be used, whereby the owners and proprietors of the said mines will be under the same difficulties and discouragements as in supplying themselves with coals for the purpose of smelting: and whereas the encouragement of the working of copper and lead mines within the* Preamble.

said isle will contribute as well to the employment of many miners and labourers within the isle, as to the increase of the trade and manufactures of the kingdom in general: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same,

From July 5, 1786, drawbacks to be allowed of all duties paid for coals used for smelting copper and lead ores, etc. in Anglesey.

That, from and after the fifth day of *July*, one thousand seven hundred and eighty-six, for all coals which shall be used in calcining or smelting copper and lead ores, within the *Isle of Anglesey*, or which shall be used in fire engines for draining water out of the mines of copper and lead within the said isle, for which duties have been first answered and paid, a drawback shall be allowed and made of all such duties, upon proof by oath being first made before the customer or collector of the said duties (which oath he is hereby impowered and required to administer) that such coals have been so used and applied; which drawback of all the said duties shall be returned and paid, by the collector of the said duties, to such person or persons so making proof as aforesaid, or such other person or persons as hath or have first answered and paid the said duties.

Drawbacks not to exceed 1,500l. in one year.

II. Provided always, and it is hereby enacted by the authority aforesaid, That the amount of such drawbacks shall not exceed the sum of one thousand five hundred pounds in any one year, to commence and be computed from the twenty-fourth day of *June*, annually; and that the customer or collector of the said duties shall keep an account of the drawbacks returned and paid by him in pursuance of this act, and that he shall not allow or return duties to a greater amount than herein-before mentioned; any thing herein contained to the contrary thereof in anywise notwithstanding.

CAP. CV.

An act for continuing the salaries and profits of the commissioners, clerks, and other officers, of the pay office and navy office respectively, rateable to the land tax, in the wards of Broad Street and Tower, within the city of London, notwithstanding the said offices should be removed into any other division or place.

Land tax c. 3. of this session. Commissioners, etc. of the navy pay office, and navy office, to continue to be assessed to the land tax in the wards of Broad-street and Tower, though the offices be removed. One fourth of assessment for appointments created since Feb. 15, 1692, and the whole for those created since Dec. 25, 1785, to be paid to the district to which the offices may be removed. Publick act.

CAP. CVI.

An act for incorporating certain persons therein named, by the name and stile of The British Society for extending the Fisheries, and improving the Sea Coasts of this Kingdom; *and to enable them, when incorporated, to subscribe a joint stock, and therewith to purchase lands, and build thereon free towns, villages, and fishing*

ing stations in the highlands and islands in that part of Great Britain *called* Scotland; *and for other purposes.*

Preamble.

WHEREAS *the building of free towns, villages, harbours, quays, piers, and fishing stations, in the highlands and islands of* North Britain, *will greatly contribute to the improvement of fisheries, agriculture, manufactures, and other useful objects of industry in that part of the kingdom, in which the dispersed situation of the inhabitants hath hitherto proved a great impediment to their active exertions; and their being collected into fishing towns and villages would be the means of forming a nursery of hardy seamen for his Majesty's navy, and the defence of the kingdom: and whereas the finding immediate employment at home for great numbers of people, would be the means of putting a stop to the dangerous spirit of emigration now prevailing, and likely to prevail in a great degree, to the depopulation of that part of his Majesty's dominions, and loss to the kingdom of many of his Majesty's useful subjects: and whereas an undertaking for these laudable purposes cannot be so conveniently or effectually carried on unless a considerable joint stock be raised for that purpose: and whereas several persons have already formed themselves into a society, and subscribed considerable sums for carrying the purposes above-mentioned into execution, but are apprehensive that difficulties may arise, as well in recovering debts which may grow due to the joint stock, as in defending suits or actions which may be commenced or brought against the subscribers for any matter or thing relative to the joint society, as by law, all the several subscribers and proprietors in the joint society must, in such cases, both sue and be sued, implead and be impleaded, by their several distinct names and descriptions, and to prevent the several subscribers from becoming liable to the payment of any sum or sums beyond their respective shares in such capital joint stock; therefore, for the more easily carrying into execution the several undertakings herein-before mentioned, and for avoiding the difficulties aforesaid, the said society are desirous of being incorporated, and having a common seal and name, by which they may sue and be sued, implead and be impleaded:* may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the most noble *John* duke of *Argyle*, the most noble *John* duke of *Athol*, the right honourable *George Campbell* commonly called *Marquis of Lorn*, the right honourable *James Graham* commonly called *Marquis of Graham*, the right honourable *Archibald* earl of *Eglington*, the right honourable *Francis* earl of *Moray*, the right honourable *James* earl of *Abercorn*, the right honourable *John* earl of *Breadalbane*, the right honourable *John* earl of *Dunmore*, the right honourable *Anthony* earl of *Kintore*, the right honourable *Adam Gordon* commonly called *Lord Adam Gordon*, the right honourable *Frederick Campbell* commonly called *Lord Frederick Campbell*, the right honourable *George Leveson Gower* commonly called *Earl Gower*, the right honourable lord *Macdonald*,

Members of the corporation.

donald, the right honourable *Henry Dundas*, the honourable major general *James Murray*, the honourable *Archibald Fraser*, sir *Harbord Harbord* baronet, sir *Hugh Munro* baronet, sir *Adam Fergusson* baronet, sir *James Riddle* baronet, sir *Robert Herries* knight, sir *George Young* knight, *Ilay Campbell* esquire, *Archibald Macdonald* esquire, captain *Colin Campbell*, *Neil Malcolm*, *Francis Humberstone Mackenzie*, *George Dempster*, *John Hamilton Dempster*, *Duncan Campbell* of *Lochnell*, *Kenneth Murchison*, *George Steuart*, *John Mackenzie* of *Bishopsgate Street London*, *Kenneth Mackenzie* of *Terridan*, major *James Munro*, *Angus Macaulay*, colonel *John Small*, *John Miller*, *John Call*, *Henry Beaufoy*, *John Macgillivray*, *John Knox*, *John Mackenzie* of *Lentron*, *George Cuthbert*, *Lewis Cuthbert*, *Alan Cameron*, lieutenant *John Mackay*, *Alexander Anderson*, *Isaac Hawkins Brown*, *Patrick Home*, captain *Donald Campbell*, *Thomas Hoby*, *James Fraser*, *William Wilberforce*, *Duncan Campbell* of *Minching Lane London*, *Alexander Blair*, *John Campbell*, *David Dale*, *Alexander Ross*, *Duncan Davidson*, *David Mitchell*, captain *William Fraser*, *Kenneth Mackenzie* of *Gower Street London*, *Alexander Pringle*, *J. S. F. Fraser*, *James Webster*, *David Webster*, *Callender* late of *Bombay*, *David Anderson*, general *Fletcher Campbell*, *John Ogilvie*, *Thomas Longlands*, lieutenant general *Henry Fletcher*, *Adam Drummond*, *Alexander Fraser*, *Robert Grant*, *William Grant*, *John Paisly*, *Thomas Ogilvie*, *William Hamilton*, *James Stewart*, *Alexander Macintosh*, *Robert Fairful*, lieutenant *Roderick Mackenzie*, *John Grant*, *Thomas Miles Riddle*, lieutenant general *Richard Prescott*, lieutenant general *Edward Maxwell*, their executors, administrators, and assigns, and every other person or persons, who shall hereafter, either in their own right, or as executors, administrators, successors, or assigns, in right of any other person or persons, become proprietors of, or interested in any part or sum of the said joint capital stock or fund herein-after mentioned, shall be, and they are hereby made a distinct and separate body politick and corporate, in deed and in name, by the name or stile of *The British Society for extending the Fisheries, and improving the Sea Coasts of this Kingdom*; and that by the above name they shall have succession and a common seal, and that they and their successors may, from time to time, break, alter, or make new or change such common seal, as shall be found most expedient; and that the said society shall be able and capable in law, and shall have perfect and full power and ability in law, to have, purchase, receive, take, and enjoy lands, tenements, and hereditaments of what kind, nature, or quality soever.

Corporate name.

Bodies corporate, etc. may sell and convey lands.

II. And be it enacted by the authority aforesaid, That any person or persons, body politick or corporate, may give, grant, bargain, sell, or convey to the said society, any lands, tenements, or hereditaments, for the use and benefit of the said society; and that the said society shall have power and ability in law to grant, sell, demise, alien, or dispose of such lands, tenements, and hereditaments, or any part thereof, at their will and

and pleasure, and in their corporate name shall and may be able in law to sue and implead, be sued and impleaded, answer and be answered, in any court of record or elsewhere, in all causes and actions whatsoever, for, touching, or concerning the said corporation.

Capital joint stock.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said society to raise a capital joint stock, to be applied to purchasing or otherwise acquiring lands and tenements in perpetuity, and for the building of free towns and villages, harbours, quays, piers, and fishing stations, on such lands so purchased or acquired, and on no other lands or tenements whatsoever, not exceeding the sum of one hundred and fifty thousand pounds sterling, at such time and in such proportions as at any general court or courts of the said society to be holden in pursuance of this act shall be directed; and that the same shall be divided into a number of shares, each share not exceeding the sum of fifty pounds sterling; and that no one person subscribing shall become proprietor of more than ten shares, in his, her, or their names, otherwise than by bequest or operation of law; and if it shall so happen, that any number of persons subscribing, are actually members of a joint partnership in business, they shall jointly be considered as one name or person, holding a share or shares not exceeding ten in number, for any one joint partnership, or in the name of any other person or persons in trust for him, her, or them (except the same shall come to him, her, or them, by devise, bequest, marriage, or act of law), upon pain of forfeiting to the said society all such shares, exceeding ten shares as aforesaid, and the money so to be raised is hereby appointed to be applied in the purchase of lands, as aforesaid, and for the purpose of building by publick advertised contracts, free towns and villages, harbours, quays, piers, and fishing stations thereupon: provided always, That it shall in no case be lawful for the said society to borrow any sum or sums of money whatsoever; and they are hereby prohibited from borrowing the same.

Stock to be divided into shares.

IV. And be it further enacted by the authority aforesaid, That the said sum of one hundred and fifty thousand pounds sterling, or such sum as shall be raised, by the persons herein-before named, or by such person or persons as may hereafter become a proprietor or proprietors of the said society, so divided into shares of fifty pounds sterling each share, shall be, and the same are hereby vested in the several persons herein-before described, and their several respective executors, administrators, successors, and assigns, for their and every of their proper use and benefit, proportionably to the sum they and each of them shall severally subscribe and pay thereunto; and all and every of the said shares shall be deemed to be personal estate, and transmitted as such, and not of the nature of real property; and all and every person or persons, their several and respective executor or executors, administrators and assigns, who shall severally subscribe the sum of fifty pounds sterling, or such sum or sums

as shall be demanded in part thereof, towards establishing and carrying into execution the undertakings of the said society, shall be entitled to and receive the entire and neat distribution of the profits and advantages which shall or may arise or accrue by virtue of the said sum and sums of money to be raised, recovered, and received by the authority of this act, and so in proportion for any greater number of shares, not exceeding ten shares as aforesaid, and every person or persons having such property of one share of the said undertaking, and so in proportion as aforesaid, shall bear and pay a proportionable sum of money towards carrying on the said undertaking, in manner herein-after enacted, directed, and appointed, such sum or sums not exceeding such share or shares, as any person or persons shall have subscribed to the capital stock of the society.

V. *And, to the end that all matters and things touching or relating to the establishing and carrying on the said society, may be managed and conducted in the most beneficial manner*; be it further enacted by the authority aforesaid, That every person who shall have subscribed for one share of the joint stock, his or her respective executors, administrators, and assigns, in every or any publick meeting or assembly to be held as herein-after directed for carrying on the business of the said society, shall have liberty, by him or her, or by his or her proxy, under his or her hand, to give for one or two shares, one vote, and no more; for three or four shares, two votes, and no more; for five, six, or seven shares, three votes, and no more; for eight or nine shares, four votes, and no more; for ten shares, five votes, and no more; and whatever question of election, or other question whatsoever, shall be proposed, discussed, or considered, in any publick assembly or meeting to be held under and by virtue of this act, shall be finally determined by the majority of votes then present in person or by proxy, qualified as aforesaid.

Votes according to shares.

Shares held by more than one person.

VI. And be it enacted by the authority aforesaid, That, in case more persons than one shall incline to hold in their joint names one or more shares of the said joint stock, one only of such persons shall be entitled to vote when present, according to the priority of their names in the original subscription, or they may in the absence of the whole give their vote or votes by proxy, as herein-before mentioned, to be appointed by a majority of the said joint subscribers under their hands; and that all bodies politick and corproate, who shall be proprietors of any share or shares in the said joint stock, shall be entitled in like manner to vote by proxy, duly constituted under their corporate seal.

Shares held by proxy.

VII. And be it enacted by the authority aforesaid, That no person shall be capable of acting as proxy, unless he be a proprietor, and that no one proprietor shall hold more than five votes by proxy.

Subscriptions to be entered in a book.

VIII. And be it further enacted by the authority aforesaid, That a book or books for subscriptions shall be provided within one month after the tenth day of *July*, one thousand seven hundred and eighty-six; in which book or books the said joint stock shall

shall be subscribed by the members of the said society, and that none of the said members shall subscribe more than the sum of five hundred pounds sterling in his, her, or their names; and that all and every the proprietors of the sums so subscribed shall pay his, her, or their shares and proportions of the monies subscribed, at such times and places as shall be appointed for the receipt of such sums of money as shall from time to time be ordered to be paid in pursuance of any call or calls to be made, in manner to be regulated by the bye-laws of the society, of which several calls two calendar months notice at the least shall be given, by publishing the same in the *London Gazette*, by the direction of a general meeting of the said proprietors; and if any person or persons shall wilfully neglect or refuse to pay his, her, or their rateable and proportionable part or share, parts or shares, of such monies so to be called for as aforesaid, within not less than two calendar months after the time appointed for the payment thereof; and after personal notice given to him or her, or notice in writing left at his or her usual or last place of abode, then he, she, or they, so neglecting or refusing, shall forfeit a sum amounting to ten pounds *per centum* on his, her, or their respective share or shares in the capital stock of the said society.

If penalties are not paid, and calls answered,

IX. And be it further enacted by the authority aforesaid, That whenever any proprietor shall have incurred the penalty aforesaid of ten pounds *per centum* on such share or shares as he or she may be possessed of in the capital stock of the said society, for nonpayment in due time as aforesaid of his or her rateable proportion of money so called for as aforesaid, and such forfeiture shall have been declared at some general meeting of the proprietors, it shall and may be lawful at the same, or at any subsequent general meeting, for any ten or more of the proprietors then present, to order and direct a further notice to be given to such proprietor; and in case he or she shall not within two months after such notice served personally, or left at his or her most usual or last place of abode, pay or cause to be paid all such sum or sums of money as shall be then due and owing upon any call or calls as aforesaid, and for nonpayment of which such former forfeiture shall have been incurred; and shall not also pay or cause to be paid an additional sum of ten pounds *per centum* on such share or shares as such proprietor shall have subscribed towards the capital stock of the said society, then such proprietor, in case the nonpayment of such sum or sums of money shall have been declared at some general meeting of the said proprietors, shall forfeit all his interest, share and property in the capital stock of the said society, together with all such sums as shall have been paid in, or shall be then due and owing from any call or calls as aforesaid, which last mentioned sum or sums due and owing from any call or calls as aforesaid, and the respective penalties of ten pounds *per centum*, and ten pounds *per centum*, herein-before mentioned, shall and may be recovered by action of debt in any of his Majesty's courts of record at *Westminster*,

defaulter to forfeit his share, &c.

Westminster, or by suit in the court of session in *Scotland* respectively: provided always, That it shall and may be lawful for the said proprietors, at any general meeting to be held after such forfeiture shall have been incurred, to postpone, mitigate, or remit the same.

On the death of proprietors before share completed, executors may do it.

X. Provided always, and be it further enacted, That if the proprietor of any share in the said undertaking shall die before payment shall have been made of the full sum to be advanced on each share which he or she shall have been possessed of or entitled to, without having made provision, by will or otherwise, for the payment of the same, then and in such case the executors and administrators of such proprietor, and the trustee or trustees, guardian or guardians, of any infant or other person entitled to the estate or effects of such proprietor, shall be indemnified against such infant, and all other persons whomsoever, for paying any sum or sums of money, when called for as aforesaid, to complete every such subscription; and if such deceased proprietor shall not have left effects sufficient, or in case any such executor or administrator, trustee or guardian, shall refuse or neglect to answer such calls and payments, the said society shall be and are hereby impowered, authorised, and required to admit any other person or persons to be proprietor or proprietors of the share or shares of such deceased proprietor, on condition that he, she, or they, so admitted, do and shall, on or before such admission, pay to the executors or administrators of such deceased proprietor, or the trustee or trustees, guardian or guardians of any infant, or others entitled to his or her effects, the full money which shall have been paid by such deceased proprietor in his or her life time, by virtue of any call or calls, or otherwise, upon such share or shares, or so much money as the same can be sold for.

Shares may be disposed of.

XI. And be it further enacted, That it shall be lawful for any of the said proprietors to sell or dispose of any share or shares he, she, or they shall and may be intitled to therein, in manner and subject to the rules and conditions herein mentioned; and for that purpose duplicates of the deed of bargain and sale, or transfer of such share or shares, shall be executed by every vendor and vendee, and one part thereof, so executed, shall be delivered to the secretary of the said society, to be filed and kept for the use of the said society, and an entry thereof shall be made in a book or books to be kept by the said secretary for that purpose; and the said secretary, or his deputy, is hereby required to make such entry accordingly; and until the duplicate of such deed or transfer shall be so delivered to the said secretary, or to his deputy, such purchaser or purchasers shall have no part or share of the profits of the said undertaking, nor any interest paid him, her, or them, for and in respect of such share or shares so purchased, nor be entitled to vote as a proprietor or proprietors of the said joint stock: provided always, That after any call of such monies shall be made by a general meeting, no person or persons, bodies corporate or collegiate, shall sell or transfer any

After a call no share to be sold till the money paid.

share which he, she, or they, shall then have in the said joint stock, until the monies called for upon his, her, or their share or shares, so to be sold, shall be paid; and every person making default herein shall forfeit his, her, or their share or shares in the said joint stock to the said society, for the benefit of the rest of the said proprietors, (unless the person or persons who shall be vendor or vendors, shall, at the time of such sale or transfer, pay the money called for upon every share so sold or transferred, into the bank of *England*, bank of *Scotland*, or royal bank of *Scotland)*, such forfeiture having been first notified and declared at a general meeting, in manner above directed.

XII. And be it further enacted, That every transfer of the said shares shall be in the form, or to the purport and effect following:

Form of the transfer.

I A. B. *in consideration of* *paid to me* *by* C. D. *do hereby bargain, sell, and transfer to the said* C. D. *his or her executors, administrators, and assigns,* *share* or *shares*, [as the case may be] *in the joint stock of the society for extending the fisheries, and improving the sea coasts of this kingdom, subject to the same rules and orders, and on the same conditions, that I held the same immediately before the execution hereof: and I the said* C. D. *do hereby agree to accept of the said* *share* [or *shares*] *subject to the same rules, orders, and conditions:*

Witness our hands, the *day of* *in the year of our Lord*

Governor, deputy governor, and directors.

XIII. *And, for the better ordering, managing, and governing the affairs of the said society, and for establishing a continual succession of persons to be directors of the same*; be it enacted by the authority aforesaid, That there shall be (of the members of the said society holding one full share in the joint stock of the same respectively) a governor, deputy governor, and fifteen directors, of whom the said governor and deputy governor shall always be two, of and in the said society, which directors, or any seven or more of them, shall be, and be called, *A Court of Directors for the ordering, managing, and directing the affairs of the said society.*

How to be chosen.

XIV. And be it also enacted by the authority aforesaid, That the members of the said society shall, on or before the tenth day of *August*, one thousand seven hundred and eighty-six, proceed to the election of a governor, deputy governor, and thirteen members of the said society, as aforesaid, to be their directors as aforesaid, in manner following; that is to say, That each and every member of the said society shall, on or before the said tenth day of *August*, deliver in, or transmit to the secretary of the said society a list in writing, subscribed with his or her name, and subjoining the number of shares which he or she holds in the joint stock of the said society, containing the names of such members as he or she votes for to be governor, and deputy governor, respectively; and also of thirteen other members

bers qualified as aforesaid, whom he or she shall vote for to be directors of the said society; and that all and every such list which shall contain a greater or less number than fifteen names as aforesaid, shall be rejected and of no effect; and that the thirteen members whose names shall be inserted in the greater number of such lists as aforesaid, shall be the directors of the said society; and that such persons whose names shall be contained in the greater number of such lists for filling the offices of governor and deputy governor, shall be governor and deputy governor of the said society: provided, that if it shall so happen that any two or more persons named in such lists as aforesaid shall have an equal number of votes, the names of such two or more persons shall be placed in a box, and drawn out by the secretary of the said society; and the person whose name shall be drawn out shall be a governor, deputy governor, or director of the said society, as the case may happen; and the secretary shall in like manner draw out successively a sufficient number of names to complete the number of thirteen directors, who shall be directors accordingly.

To continue to March 25, 1787.

XV. And be it further enacted by the authority aforesaid, That the governor, deputy governor, and directors, so first chosen as aforesaid, shall serve and continue in their respective offices until the twenty-fifth day of *March*, one thousand seven hundred and eighty-seven; and that a new election of a governor, deputy-governor, and thirteen directors, shall be then made in manner aforesaid; and on the twenty-fifth day of *March* in each and every succeeding year, a like election shall be made, unless the same shall happen on a *Sunday*, and then on the *Monday* following; and that such governor, deputy governor, and directors, shall serve and continue in their respective offices for one whole year next ensuing their respective elections.

Their powers.

XVI. And be it enacted by the authority aforesaid, That the said governor, deputy governor, and directors, or the major part of them, shall and may, from time to time, assemble and meet together at any convenient place or places within the cities of *London* or *Westminster*, and then and there hold courts of directors, and shall at such courts have power and authority to order and direct all the affairs and business of the said society, subject to the bye-laws and directions of all general meetings of the said society, and shall have power to name committees of themselves, and to appoint all subordinate officers.

Governor, &c. to be sworn.

XVII. And be it further enacted by the authority aforesaid, That every governor, deputy governor, and director of the said society, so to be elected as aforesaid, before they be admitted to the execution of their respective offices or places of governor, deputy governor, or director, shall take the following oath before any two or more of the said proprietors, who are hereby impowered to administer the same:

The oath.

I A. B. *do swear, That I will discharge the trust and duties of governor (deputy governor*, or *director*, as the case may be) *of*

of the British *society for extending the fisheries and improving the sea coasts of this kingdom, truly and faithfully, to the best of my judgement and understanding.*

So help me GOD.

Auditors chosen.

XVIII. And be it enacted by the authority aforesaid, That out of the said proprietors holding one full share respectively, there shall be chosen and appointed in like manner, and at the like times, five persons, (not being governor or deputy governor, or director or other officer) to examine and audit the accounts of the said society once in every year, and to prepare and lay before the general meeting, the accounts of the said society in a clear, accurate, and distinct manner, one copy of which shall be reserved in the office for the inspection of any proprietor who shall desire to see the same.

General meetings how to be called.

XIX. And be it enacted by the authority aforesaid, That there shall be holden one general meeting of the said proprietors on the twenty-fifth day of *March* in each and every year; and if the same shall happen on a *Sunday*, then on the *Monday* following at noon, in the cities of *London* or *Westminster*, and that if at any time it shall appear to any nine or more proprietors, that for the more effectually putting this act in execution, an occasional general meeting of proprietors shall be necessary to be held, the governor, deputy governor, or any three or more of the said directors, on request made in writing by such nine proprietors to the said governor, deputy governor, or directors, shall cause notice to be given thereof in the *London Gazette*, and in such other manner as the said proprietors, their successors or assigns, shall at any general meeting direct or appoint, declaring in such notice the place where, and the time when, such meeting is to be held, the same to be held within one calendar month from and after such notice given, and likewise specifying in every such notice the reason for and intention of such meetings respectively; and the proprietors are hereby authorised to meet pursuant to such notice, and proceed to the execution of the powers by this act given them; and every act of the proprietors, or the major part of them, at such meetings assembled, shall be as valid to all intents and purposes as if the same had been done at an annual general meeting held in manner herein before directed. Provided always, That at all general and ordinary meetings the governor, or in case of his absence the deputy governor, or in case of the absence of both, a chairman, who shall be then and there chosen, shall, in case of an equality of voices, have a casting vote; and that all general meetings, ordinary or extraordinary, assembled as before directed, shall have the power of adjourning themselves to such time as they shall deem necessary.

Directors, dying, others to be chosen.

XX. And it is hereby further enacted by the authority aforesaid, That in case the governor, deputy governor, or any of the directors for the time being shall happen to die, or resign his office before the expiration of the said year for which he or they

they shall be so elected, that then and from thenceforth it shall and may be lawful to and for the said governor or deputy governor, or any three of the said directors, if they see fit, to summon and call together a general meeting of the proprietors aforesaid, and then and there to chuse into the place or places of him or them so dying or resigning, one or more other fit person or persons, as the case may happen, to fill up such vacancy or vacancies, and the person or persons so chosen shall continue in their respective offices or places during the remainder of such year, or until the next election of governor, deputy governor, and directors as aforesaid.

Bye-laws how made and altered.

XXI. And be it further enacted by the authority aforesaid, That the said proprietors, their successors and assigns for the time being, shall have power and authority at a general meeting to be called for that special purpose, or by adjournment of the annual general meeting, in case fifteen or more proprietors present at such general meeting, by themselves or proxy, be possessed of one hundred shares at least, but not otherwise, to make such rules, bye-laws, and constitutions, for the government of the said society, and for the good and orderly carrying on the business of the said society; and also for the well governing of the officers, servants, workmen, and others, who shall be employed in and about the business, and carrying on of the said society, or any part thereof, as to them shall seem meet; which said rules, bye-laws, and orders, being reduced into writing, under the common seal of the said society, shall be binding upon, and observed by all parties, and shall be sufficient, in any court of law or equity, to justify all persons who shall act under the same, provided the same are not repugnant to the laws of the realm: provided always, That the said rules, bye-laws, and constitutions, shall not be binding, unless they be confirmed by the next general meeting after they are voted, and shall not be subject to any alteration in the same year wherein they have been made.

No transfer of stock for three years.

XXII. And be it further enacted by the authority aforesaid, That no transfer, other than by gift or bequest, shall be made of any of the said stock, or share of or in the said joint stock, for the space of three years from the tenth of *August*, one thousand seven hundred and eighty-six, but that the same shall be absolutely void to all intents and purposes whatsoever.

Money to be placed in the bank of Scotland, or royal bank of Scotland.

XXIII. And be it enacted by the authority aforesaid, That the cash of the said society shall be lodged either in the bank of *England*, bank of *Scotland*, or royal bank of *Scotland*; and that no governor, deputy governor, or director, nor any proprietor of any share or shares of the society's joint stock, nor any agent, secretary, clerk, servant, or person employed by the said society, shall in any case retain any sum or sums of money, which sha have been placed in his, her, or their hands for the use of the said society, beyond the space of thirty days next after the receipt of the same, on any account whatsoever, but that every such person or persons shall, within the time aforesaid, pay or cause to

to be paid all and every such sum or sums of money into one of the banks aforesaid; and that payments of all such sums as shall be issued by the said society, shall be made by drafts under the hands of the governor, or deputy governor, countersigned by the secretary or his deputy, and two or more directors, on the said banks, to such person or persons, or to their order, as shall have performed any work for, or otherwise have any demand upon, the said society.

XXIV. *And whereas it may happen that some person or persons, bodies politick, corporate or collegiate, or trustees, or others, who are seised of or intitled to lands and tenements, which may be necessary to be purchased for the purposes of this act, may be willing to treat and agree to sell such lands and tenements, in order to perfect so useful and necessary an undertaking, but are incapable of granting and conveying the same by reason of infancy, or other disability by tailzies, or otherwise*; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for all bodies politick, corporate or collegiate, trustees, tutors or curators for infants or minors, idiots or furious persons, or other persons for whom they are trustees, and for all and every other person or persons whomsoever who are or shall be seised, possessed of, or interested in any lands and tenements which the said society shall judge necessary for the purposes aforesaid, whether by titles held in fee simple or tailzied, to sell and convey to the said society, or their successors, or to such other person or persons as they shall appoint, all or any such lands and tenements, or any part thereof, for the purposes aforesaid; and that all contracts, agreements, sales, or other conveyances that shall be so made, shall be valid to all intents and purposes, any law, statute, usage, or any other matter or thing whatsoever to the contrary thereof notwithstanding; and that all trustees, tutors, or curators, corporations, proprietors, or incumbrancers, subject to tailzies, and all other persons, are and shall be hereby indemnified for what they shall do by virtue of, or in pursuance of this act: provided, that where lands and tenements under entail are purchased for the purposes aforesaid, the price of the premises shall, by authority of the court of session, be laid out upon land, or other heritable security, and the rights and securities devised and taken to the same series of heirs as are contained in the original title deeds of the subjects under entail, purchased for the uses aforesaid.

Purchase money to be laid out to same uses.

XXV. And be it further enacted by the authority aforesaid, That the book or books in which the accounts relating to the said society shall be stated and settled, and all other matters and things relating thereunto, shall be deposited under the care and custody of such person or persons as the said directors shall from time to time appoint at the office of the said society; and every proprietor, at all reasonable times, shall have free access to such book or books, for his, her, or their inspection.

Books to be kept, and open to the inspection of the proprietors.

XXVI. And be it further enacted by the authority aforesaid, That if any person or persons shall forge or counterfeit the seal of

Counterfeiting the seal.

of the society, or any deed or writing under the common seal, or shall demand any money in pursuance of any such forged or counterfeited deed or writing, either from the society or any members or servants thereof, knowing such writing to be forged, with intent to defraud the said society, or any other persons whomsoever, every person so offending, and being convicted thereof, in due form of law, shall be judged guilty of felony, and shall be transported in manner as by law directed, for a term not exceeding seven years.

Limitation of actions.

XXVII. And be it further enacted, That if any action, suit, or information shall be brought or commenced against any person or persons for any thing done in pursuance of this act, the same shall be brought or commenced within six calendar months next after the fact committed, or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the defendant or defendants in such action, suit,

General issue.

or information, shall and may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear to have been so done, or if any action, suit, or information, shall be brought after the time so limited for bringing in the same, then, and in such case, the jury shall find for the defendant or defendants, or the court of session in *Scotland* shall dismiss the said suit; if the plaintiff or plaintiffs, pursuer or pursuers, shall become nonsuit, or suffer a discontinuance of his, her, or their action, suit, or information, after the defendant or defendants shall have appeared; or if a verdict or judgement of the court of session in *Scotland* shall pass against the plaintiff or plaintiffs, pursuer or pursuers, or if, upon demurring or otherwise, judgement shall be given against the plaintiff or plaintiffs, the defendant or defend-

Treble costs.

ants, shall have treble costs, and shall have such remedy for the same, as any defendant or defendants hath or have for costs of suit in any other cases by law.

Publick act.

XXVIII. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a publick act; and all judges, justices, and other persons are hereby required to take notice of it as such, without specially pleading the same.

CAP. CVII.

An act for amending, and reducing into one act of parliament, the laws relating to the militia, in that part of Great Britain *called* England.

Preamble.

WHEREAS *a respectable military force, under the command of officers possessing landed property within* Great Britain, *is essential to the constitution of this realm; and the militia now by law established has been found capable of fulfilling the purposes of its institution; and through its constant readiness on short notice, for effectuas*

tual service, has been of the utmost importance to the internal defence of this kingdom of Great Britain: *and whereas the laws now in being relating to the militia are inconveniently numerous; and the several powers and provisions necessary for raising, training, and regulating the militia, would be more easily executed, if the same were comprised in one act of parliament:* be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That his Majesty may and shall, from time to time, constitute and appoint lieutenants for the counties, ridings, and places herein-after mentioned; and the several lieutenants so appointed, shall have full power and authority, and are hereby required to call together, arm, array, and cause to be trained and exercised, such persons, and in such manner as is herein-after directed, once in every year; and the said lieutenants severally shall, from time to time, constitute and appoint such persons as they shall think fit, being qualified as herein-after is directed, and living within their respective counties, ridings, and places, to be their deputy lieutenants, (the names of such persons having been first presented to and approved by his Majesty), and shall also appoint a proper number of colonels, lieutenant colonels, majors, and other officers, qualified as herein-after directed, to train, discipline, and command the persons so to be armed and arrayed, according to the rules, orders, and directions herein-after mentioned, and shall certify to his Majesty the names and ranks of all such officers so appointed; and in case his Majesty shall, within fourteen days after such certificate shall have been laid before him, signify his disapprobation of any of the persons so appointed, it shall not be lawful for the said lieutenants to grant a commission to any person so disapproved, but commissions shall be granted to all such persons so appointed, who shall not be disapproved by his Majesty; and the officers so appointed for the militia, to be armed and arrayed as herein-after directed, shall rank with the officers of such of his Majesty's forces as are liable to serve out of *Great Britain*, as youngest of their rank.

The lieutenants of counties, appointed by his Majesty, to call out the militia yearly, and appoint deputies, officers, etc.

Rank of officers.

II. And be it further enacted, That when the lieutenant of any county, riding, or place, shall be out of the kingdom of *Great Britain*, or when there shall be no lieutenant, it shall be lawful for his Majesty to authorise any three deputy lieutenants of such county, riding, or place, to grant commissions to officers to serve in the militia for such county, riding, or place, upon any vacancy that shall then happen, in such manner as such lieutenant could do, and to do all other acts, matters, and things, which might lawfully have been done by the said lieutenant, and the same shall be good and valid in the law as if done by the said lieutenant himself.

Three deputy lieutenants may act, when the lieutenant is out of the kingdom.

III. And be it further enacted, That no commission of any deputy lieutenant, nor any commission of any officer in the militia, already granted, or to be granted by any lieutenant or deputy

Commissions not to be revoked by the death of the grantor.

deputy lieutenants, shall be vacated by reason of the revocation, expiration, or discontinuance of the commission by which any such lieutenant or deputy lieutenants as aforesaid was or were appointed.

County lieutenant to have the chief command of the militia of his county, and to appoint 20 deputies.

IV. And be it further enacted, That the lieutenant of every county, riding, or place, shall have the chief command of the militia within the county, riding, or place to which he is appointed, and that twenty deputy lieutenants at the least shall be appointed within every county, riding, and place, if so many can be found qualified as herein-after directed; but if such number of persons, so qualified, cannot be found within any such county, riding, or place, then as many persons, so qualified, as can be found within such county, riding, or place, shall be appointed to be deputy lieutenants for the purposes of this act.

Qualification of deputy lieutenants and officers in England in general.

V. And be it further enacted, That all persons to be appointed deputy lieutenants, or officers of the militia, in pursuance of this act (except within the counties of *Cumberland*, *Huntingdon*, *Monmouth*, and *Westmorland*, the *Isle of Ely* in the county of *Cambridge*, the several counties and places within the dominion of *Wales*, and such cities and towns as are counties within themselves) shall be qualified as follows; (that is to say) every person so to be appointed a deputy lieutenant shall be seised or possessed, either in law or equity, for his own use and benefit, in possession, of a freehold, copyhold, or customary estate for life, or for the life of his wife, she having a freehold, copyhold, or customary estate for her life, or for some greater estate, or of an estate for some long term of years, determinable on one or more life or lives, in manors, messuages, lands, tenements, or hereditaments, in *England*, *Wales*, or the town of *Berwick upon Tweed*, of the yearly value of two hundred pounds, or shall be heir-apparent of some person who shall in like manner be seised or possessed of a like estate as aforesaid of the yearly value of four hundred pounds: and every person so to be appointed a colonel shall in like manner be seised or possessed of a like estate as aforesaid, of the yearly value of one thousand pounds, or shall be heir-apparent of some person who shall in like manner be seised or possessed of a like estate as aforesaid, of the yearly value of two thousand pounds: and every person so to be appointed a lieutenant colonel shall in like manner be seised of a like estate as aforesaid, of the yearly value of six hundred pounds, or shall be heir apparent of some person who shall in like manner be seised or possessed of a like estate as aforesaid, of the yearly value of one thousand two hundred pounds: and every person so to be appointed a major, or a captain, shall in like manner be seised or possessed of a like estate as aforesaid, of the yearly value of two hundred pounds, or shall be heir-apparent of some person who shall in like manner be seised or possessed of a like estate as aforesaid, of the yearly value of four hundred pounds, or shall be a younger son of some person who shall be, or at the time of his death was, in like manner seised or possessed

sed of a like estate as aforesaid, of the yearly value of six hundred pounds: and every person so to be appointed lieutenant shall in like manner be seised or possessed of a like estate as aforesaid, of the yearly value of fifty pounds, or shall be possessed of a personal estate alone, to the amount of one thousand pounds, or seised or possessed of real and personal estate together, to the amount or value of two thousand pounds, or shall be son of some person who shall be, or at the time of his death was, in like manner seised or possessed of a like estate as aforesaid, of the yearly value of one hundred pounds, or who shall be, or who at the time of his death was, possessed of a personal estate alone, to the amount of two thousand pounds, or seised or possessed of real and personal estate together, to the amount or value of three thousand pounds: and that every person so to be appointed an ensign shall in like manner be seised or possessed of a like estate as aforesaid, of the yearly value of twenty pounds, or shall be possessed of a personal estate alone, to the amount of five hundred pounds, or seised or possessed of real and personal estate together, to the amount or value of one thousand pounds, or shall be son of some person who shall be, or at the time of his death was, in like manner seised or possessed of a like estate as aforesaid, of the yearly value of fifty pounds, or who shall be, or who at the time of his death was, possessed of a personal estate alone, to the amount of one thousand pounds, or seised or possessed of real and personal estate together, to the amount or value of one thousand five hundred pounds, of which said estates required as qualifications for deputy lieutenants, colonels, lieutenant colonels, majors, and captains respectively, one moiety shall be situate or arising within the respective counties, ridings, or divisions, in which they shall be appointed to serve.

Qualification of deputy lieutenants and officers in Cumberland, &c.

VI. And be it further enacted, That the estates requisite for the qualification of the deputy lieutenants and officers of the militia within the counties of *Cumberland*, *Huntingdon*, *Monmouth*, *Westmorland*, and *Rutland*, and within every county and place in the dominion of *Wales*, shall be as follows; (that is to say), A deputy lieutenant shall in like manner be seised or possessed of a like estate as aforesaid, of the yearly value of one hundred and fifty pounds, or shall be heir-apparent to a person who shall in like manner be seised or possessed of a like estate as aforesaid, of the yearly value of three hundred pounds: a colonel shall be in like manner seised or possessed of a like estate as aforesaid, of the yearly value of six hundred pounds, or shall be heir-apparent of a person who shall in like manner be seised or possessed of a like estate as aforesaid, of the yearly value of one thousand two hundred pounds: a lieutenant colonel, or major commandant, shall in like manner be seised or possessed of a like estate as aforesaid, of the yearly value of four hundred pounds, or shall be heir-apparent of a person who shall in like manner be seised or possessed of a like estate as aforesaid, of the yearly value of eight hundred pounds: a major, or captain, shall in like manner be seised or possessed of a like estate as aforesaid, of the yearly

yearly value of one hundred and fifty pounds, or shall be son of a person who shall be, or at the time of his death was, in like manner, seised or possessed of a like estate as aforesaid, of the yearly value of three hundred pounds: a lieutenant shall in like manner be seised or possessed of a like estate as aforesaid, of the yearly value of thirty pounds, or shall be possessed of a personal estate alone, to the amount of six hundred pounds, or seised or possessed of real and personal estate together, to the amount or value of one thousand two hundred pounds, or shall be the son of a person who shall be, or, at the time of his death was, in like manner, seised or possessed of a like estate as aforesaid, of the yearly value of sixty pounds, or who shall be, or at the time of his death was, possessed of a personal estate alone, to the amount of one thousand two hundred pounds, or seised or possessed of real and personal estate together, to the amount or value of two thousand four hundred pounds: an ensign shall be in like manner seised or possessed of a like estate as aforesaid, of the yearly value of twenty pounds, or shall be possessed of a personal estate alone, to the amount of three hundred pounds, or seised or possessed of real and personal estate together to the amount or value of six hundred pounds, or shall be the son of a person who shall be, or at the time of his death was, in like manner, seised or possessed of a like estate as aforesaid, of the yearly value of thirty pounds, or who shall be, or at the time of his death was, possessed of a personal estate alone, to the amount of six hundred pounds, or seised or possessed of real and personal estate together, to the amount or value of one thousand two hundred pounds: of all which respective estates (except those for the qualifications of lieutenants and ensigns), one moiety shall be situate or arising within the respective counties or divisions in which such officers shall be respectively appointed to serve.

Qualification of deputy lieutenants and officers for Ely.

VII. And be it further enacted, That the estates requisite for the qualification of the deputy lieutenants and officers of the militia in the *Isle of Ely*, shall be as follows: a deputy lieutenant shall be in like manner seised or possessed of a like estate as aforesaid, of the yearly value of one hundred and fifty pounds, or shall be heir-apparent of some person who shall be in like manner seised or possessed of a like estate as aforesaid, of the yearly value of three hundred pounds: a captain shall be in like manner seised or possessed of a like estate as aforesaid of the yearly value of one hundred pounds, or shall be heir-apparent of a person who shall be in like manner seised or possessed of a like estate as aforesaid, of the yearly value of two hundred pounds, or shall be a younger son of some person who shall be, or at the time of his death was, in like manner seised or possessed of a like estate as aforesaid, of the yearly value of three hundred pounds: a lieutenant shall be in like manner seised or possessed of a like estate as aforesaid, of the yearly value of thirty pounds, or shall be possessed of a personal estate to the amount of six hundred pounds, or shall be son of some person who shall be, or at the time

time of his death was, in like manner seised or possessed of a like estate as aforesaid, of the yearly value of sixty pounds, or who shall be, or at the time of his death was, possessed of a personal estate to the amount of one thousand two hundred pounds: an ensign shall be in like manner seised or possessed of a like estate as aforesaid, of the yearly value of twenty pounds, or shall be possessed of a personal estate to the amount of three hundred pounds, or shall be the son of some person who shall be, or at the time of his death was, in like manner seised or possessed of a like estate as aforesaid, of the yearly value of thirty pounds, or who shall be, or at the time of his death was, possessed of a personal estate to the amount of six hundred pounds: of all which estates (except those for the qualifications of lieutenants and ensigns) one moiety shall be situate or arising within the said *Isle of Ely*, or some other part of the county of *Cambridge*.

Regulations with regard to cities, &c. that are counties within themselves.

VIII. And be it further enacted, That in all cities and towns which are counties within themselves, and have heretofore been impowered by law or ancient usage to raise and train a separate militia within their several precincts and liberties, and which are united with, and made part of any county or counties, for the purposes of raising the militia only, the lieutenant of every such city or town, or, where there is no lieutenant appointed, then the chief magistrate of such city or town shall appoint the deputy lieutenants within such city or town, and shall also appoint officers of the militia, whose number and rank shall be proportionable to the number of militia men which such city or town shall raise as their quota towards the militia of the county to which such city or town is united for the purposes aforesaid; and all powers and provisions made by this act, with respect to counties at large, and the militia thereof, and the registering herein-after directed of the qualifications of deputy lieutenants and officers, shall take place and be in force, with respect to the said cities and towns, and the militia thereof, and the registering of the said qualifications; and the value of the respective qualifications of the deputy lieutenants and officers of the militia of such cities and towns shall be as follows; every deputy lieutenant shall in like manner be seised or possessed of a like estate as aforesaid, of the yearly value of one hundred and fifty pounds, or shall be possessed of a personal estate alone, or seised or possessed of real and personal estate together, to the amount or value of three thousand pounds: and every field officer shall respectively be in like manner seised or possessed of a like estate as aforesaid, of the yearly value of three hundred pounds, or shall be possessed of a personal estate alone, or seised or possessed of real and personal estate together, to the amount or value of five thousand pounds: and the qualification of a captain shall be a like estate as aforesaid, of the yearly value of one hundred and fifty pounds, in manors, messuages, lands, tenements, or hereditaments, or personal estate alone, or real and personal estate together, to the amount or value of two thousand five hundred pounds: and the qualification of a lieutenant shall be a like

estate as aforesaid, of the yearly value of thirty pounds, in manors, messuages, lands, tenements, or hereditaments, or personal estate alone, to the amount or value of seven hundred and fifty pounds: and the qualification of an ensign shall be a like estate as aforesaid, of the yearly value of twenty pounds, in manors, messuages, lands, tenements, or hereditaments, or personal estate alone, to the amount or value of four hundred pounds: of all which real estates respectively (except those for the qualification of lieutenants and ensigns) one moiety shall be situate or arising within such city or town, or within the county to which such city or town is united for the purposes aforesaid.

Leases on lives of 300l. per ann. to be deemed equal to a qualification as herein-before specified of 100l. per ann. and so proportionally.

IX. Provided always, and be it further enacted, That the immediate reversion or remainder of and in manors, messuages, lands, tenements, or hereditaments, which are leased for one life, or for two or three lives, or for any term of years determinable upon the death of one life, or of two or three lives on reserved rents, and which are to the lessee or lessees of the clear yearly value of three hundred pounds, shall be deemed equal to an estate herein-before required as a qualification of the yearly value of one hundred pounds, and so in proportion to the several other qualifications required by this act.

Estates granted for 20 years, of an annual value equal to the value of the estates herein required for qualifications, to be deemed qualifications.

X. And be it further enacted, That a person possessed, either in law or equity, for his own use and benefit, in possession, of an estate for a certain term originally granted for twenty years or more, of an annual value (over and above all rents and charges payable out of or in respect of the same) equal to the value of such an estate as is required for the qualification of a deputy lieutenant and commissioned officer of the militia respectively, and situate as aforesaid, shall be, and is hereby deemed and declared to be, sufficiently qualified to act in the execution of this act.

No commission superior to a lieutenant to be granted till the qualification is delivered in.

XI. And be it further enacted, That no person shall hereafter be appointed to be deputy lieutenant of any county, riding, or place, or be appointed to a higher rank in the militia than that of lieutenant, until he shall have delivered in to the clerk of the peace of the county, riding, or place, for which he shall be appointed, or (in the absence of the clerk of the peace) to his deputy, a specifick description in writings signed by himself, of his qualification, stating the parish or parishes in which the estate or estates which form his qualification is or are situate; and the clerk of the peace, or his deputy, shall transmit to the lieutenant of the county, riding, or place, a copy of such description; and no commission granted after the passing of this act, for a higher rank in the militia than that of lieutenant, shall be valid, unless it be declared in the commission, that the officer to whom the commission is given, hath delivered in his qualification as above directed.

Commissions already granted to be void unless qualifications are

XII. And be it further enacted, That every deputy lieutenant and every officer now holding a commission as colonel, lieutenant colonel, major, or captain in the militia, who hath not transmitted

transmitted a specifick description as before directed, of his qualification for holding such commission, to the clerk of the peace as aforesaid, shall, within six months from and after the first day of *July*, one thousand seven hundred and eighty-six, transmit such specifick description of his qualification for holding such commission to the clerk of the peace as aforesaid, and the clerk of the peace, or his deputy, shall forthwith transmit a true copy thereof to the lieutenant of the county, riding, or place, or to the deputy lieutenants, who shall be authorised according to the directions of this act to execute the office of lieutenant; and in case any such officer shall not transmit such specifick description of his qualification as aforesaid to the clerk of the peace, or his deputy, within the time before limited for that purpose, his deputation or commission shall be void, and he shall be incapable of being a deputy lieutenant, or of serving as an officer in the militia again in the same or any higher rank. delivered in before Jan. 1, 1787.

Qualifications &c. to be inserted in the Gazette; and lists to be annually laid, by the secretary of state, before parliament.

XIII. And be it further enacted, That the clerk of the peace of every county, riding, and place, shall, and he is hereby required to enter the qualifications transmitted to him according to the directions of this act upon a roll, to be provided and kept for that purpose, and to cause to be inserted in the *London Gazette* the dates of the commissions, and names and rank of the officers, together with the names of the officers in whose room they are appointed, in like manner as commissions in the army are published from the war office, and he is hereby authorised to charge the expence of such insertion in the *Gazette* for each commission, to the treasurer of the county, riding, or place, who is hereby directed to pay the same; and the said clerk of the peace, or his deputy, shall, in the month of *January* in every year, transmit to one of his Majesty's principal secretaries of state a compleat account of the qualifications so left with him, and the secretary of state receiving such accounts shall cause copies thereof to be annually laid before both houses of parliament;

Deputy lieutenants, &c. to take the oaths within six months after appointment.

and every deputy lieutenant and commissioned officer not having already taken and subscribed the oaths, and made, repeated, and subscribed the declaration as required by this act, shall, at some general quarter session of the peace, or in one of his Majesty's courts of record at *Westminster*, within six months after he shall have accepted his commission, take the oaths appointed to be taken by an act passed in the first year of the reign of his majesty King *George* the First, intituled, *An act for the further security of his Majesty's person and government, and the succession of the crown in the heirs of the late princess* Sophia, *being protestants, and for extinguishing the hopes of the pretended prince of* Wales, *and his open and secret abettors*; and also by an act passed in the sixth year of the reign of his present Majesty, intituled, *An act for altering the oath of abjuration, and the assurance, and for amending so much of an act of the seventh year of her late majesty Queen* Anne, *intituled*, An act for the improvement of the union of the two kingdoms, *as after the time therein limited requires the delivery of certain lists and copies therein mentioned to persons indicted of high treason,*

treaſon, or miſpriſion of treaſon; and ſhall alſo make, repeat, and ſubſcribe the declaration in the ſaid act of the firſt year of King *George* the Firſt directed to be made, repeated, and ſubſcribed, by all officers civil and military.

Penalty on perſons acting, who are unqualified, or who have not delivered in their qualifications.

XIV. And be it further enacted, That if any perſon ſhall execute any of the powers hereby directed to be executed by deputy lieutenants, colonels, lieutenant colonels, or majors, not being qualified as aforeſaid, or without having delivered in ſuch ſpecifick deſcription of his qualification as is herein-before required, every ſuch perſon ſhall forfeit and pay the ſum of two hundred pounds; and if any perſon ſhall execute any of the powers hereby directed to be executed by captains, not being qualified as aforeſaid, or without having delivered in ſuch ſpecifick deſcription of his qualification as is herein-before required, every ſuch perſon ſhall forfeit and pay the ſum of one hundred pounds; one moiety whereof ſhall go to the uſe of the perſon who ſhall ſue for the ſame; and in every action, ſuit, or information, brought againſt any perſon for acting as deputy lieutenant, colonel, lieutenant colonel, major, or captain, not being qualified as herein before directed, the proof of his qualification ſhall lie upon the perſon againſt whom the ſame is brought: provided always, That nothing in this act contained ſhall reſtrain or prevent any peer of this realm, or heir-apparent of any ſuch peer, from being appointed, or acting as a deputy lieutenant, or a commiſſioned officer in the militia, within the county, riding, or place wherein ſuch peer, or heir-apparent of ſuch peer, ſhall have ſome place of reſidence, although he may not have the qualification herein-before required; or to oblige any peer of this realm, or heir-apparent of ſuch peer, who ſhall be appointed a deputy lieutenant or commiſſioned officer as aforeſaid, to leave with the clerk of the peace for the county, riding, or place for which he ſhall be appointed, any qualification in writing as aforeſaid.

Peers or their heirs-apparent may act, though not poſſeſſed of qualifications, &c.

A proportion of officers who have ſerved five years may, when the militia is not embodied, be diſmiſſed, and others appointed.

XV. And be it further enacted, That the lieutenant of any county, riding, or place, together with any three or more deputy lieutenants, and on the death or removal, or in the abſence of any ſuch lieutenant, any five or more deputy lieutenants, may, at the end of every five years, at their annual meetings to be holden as herein-after is directed, in caſe the militia of ſuch county, riding, or place, ſhall not be then embodied, diſcharge ſome one field officer of each regiment or battalion, and ſuch a number of officers of each inferior rank, in each regiment, battalion, and independent company, as ſhall be equal to the number of perſons who ſhall have given notice in writing to the lieutenant of ſuch county, riding, or place, one month at the leaſt before ſuch meeting, that they are willing to ſerve as field officers, captains, lieutenants, or enſigns, as the caſe may require: provided always, That the number of vacancies to be made by diſcharging ſuch officers ſhall not exceed one third of ſuch officers who ſhall have ſerved for the ſpace of five years in each rank reſpectively: provided alſo, That nothing herein contained

Inferior officers when

tained shall prevent any officer serving, or who has served in the militia in an inferior rank, from offering himself to serve in a higher rank, if he be qualified to serve in such higher rank. qualified, may serve in higher ranks.

XVI. And be it further enacted, That the lieutenant of every county, riding, and place, shall from time to time appoint a clerk of the general meetings to be holden as herein-after directed, and may displace such clerk if he shall think fit, and appoint another in his room; and the deputy lieutenants within their respective subdivisions, or the major part of those present at any subdivision meeting, shall also, from time to time, appoint a clerk for their subdivisions, and may displace such clerk if they, or the major part of them, shall think fit, and appoint another in his room. County lieutenants, and deputies, may appoint clerks for their meetings.

XVII. And be it further enacted, That the number of private men to be raised by virtue of this act shall be as follows; (that is to say;) Numbers of the regiments of militia respectively.

For the county of *Bedford*, four hundred.
For the county of *Berks*, five hundred and sixty.
For the county of *Bucks*, five hundred and sixty.
For the county of *Cambridge*, four hundred and eighty.
For the county of *Chester*, with the city and county of the city of *Chester*, five hundred and sixty.
For the county of *Cornwall*, six hundred and forty.
For the county of *Cumberland*, three hundred and twenty.
For the county of *Derby*, five hundred and sixty.
For the county of *Devon*, with the city and county of the city of *Exeter*, one thousand six hundred.
For the county of *Dorset*, with the town and county of the town of *Pool*, six hundred and forty.
For the county of *Durham*, four hundred.
For the county of *Essex*, nine hundred and sixty.
For the county of *Gloucester*, with the city and county of the city of *Gloucester*, and the city and county of the city of *Bristol*, nine hundred and sixty.
For the county of *Hereford*, four hundred and eighty.
For the county of *Hertford*, five hundred and sixty.
For the county of *Huntingdon*, three hundred and twenty.
For the county of *Kent*, with the city and county of the city of *Canterbury*, nine hundred and sixty.
For the county of *Lancaster*, eight hundred.
For the county of *Leicester*, five hundred and sixty.
For the county of *Lincoln*, with the city and county of the city of *Lincoln*, one thousand two hundred.
For the county of *Middlesex*, (exclusive of the tower division, commonly called *The Tower Hamlets*), one thousand six hundred.
For the county of *Monmouth*, two hundred and forty.
For the county of *Norfolk*, with the city and county of the city of *Norwich*, nine hundred and sixty.
For the county of *Northampton*, six hundred and forty.

For

For the county of *Northumberland*, with the town and county of the town of *Newcastle upon Tyne*, and the town of *Berwick upon Tweed*, five hundred and sixty.
For the county of *Nottingham*, with the town and county of the town of *Nottingham*, four hundred and eighty.
For the county of *Oxford*, five hundred and sixty.
For the county of *Rutland*, one hundred and twenty.
For the county of *Salop*, six hundred and forty.
For the county of *Somerset*, eight hundred and forty.
For the county of *Southampton*, with the town and county of the town of *Southampton*, nine hundred and sixty.
For the county of *Stafford*, with the city and county of the city of *Litchfield*, five hundred and sixty.
For the county of *Suffolk*, nine hundred and sixty.
For the county of *Surrey*, eight hundred.
For the county of *Sussex*, eight hundred.
For the county of *Warwick*, with the city and county of the city of *Coventry*, six hundred and forty.
For the county of *Westmorland*, two hundred and forty.
For the county of *Worcester*, with the city and county of the city of *Worcester*, five hundred and sixty.
For the county of *Wilts*, eight hundred.
For the west riding of the county of *York*, with the city and county of the city of *York*, one thousand two hundred and forty:
For the north riding of the said county, seven hundred and twenty:
And for the east riding of the said county, with the town and county of the town of *Kingston upon Hull*, four hundred.
For the county of *Anglesea*, eighty.
For the county of *Brecknock*, one hundred and sixty.
For the county of *Cardigan*, one hundred and twenty.
For the county of *Carmarthen*, with the county borough of *Carmarthen*, two hundred.
For the county of *Carnarvon*, eighty.
For the county of *Denbigh*, two hundred and eighty.
For the county of *Flint*, one hundred and twenty.
For the county of *Glamorgan*, three hundred and sixty.
For the county of *Merioneth*, eighty.
For the county of *Montgomery*, two hundred and forty.
For the county of *Pembroke*, with the town and county of the town of *Haverford West*, one hundred and sixty.
And for the county of *Radnor*, one hundred and twenty.

Regulations for holding general meetings of lieutenancy.

XVIII. And be it further enacted, That general meetings of the lieutenancy of every county, riding, and place, shall be holden in some principal town of every such county, riding, and place; and such general meetings shall consist of the lieutenant, together with two deputy lieutenants at the least, or, on the death or removal, or in the absence of the lieutenant, then of three deputy lieutenants at the least of every county, riding, and

and place respectively; and one such general meeting shall be holden within every county, riding, and place, annually, upon the last *Tuesday* which shall happen before the twenty-fourth day of *October* in every year; and the lieutenant, together with any two deputy lieutenants, or (on the death or removal, or in the absence of the lieutenant) any three deputy lieutenants of any county, riding, or place, when and as often as they shall find necessary for carrying the purposes of this act duly and fully into execution, may summon, or cause to be summoned, other general meetings of the lieutenancy, on any days to be fixed by such summons, of which days, and the places of holding such meetings respectively, notice shall be given in the *London Gazette*, and also in any weekly newspaper usually circulated in such county, riding, or place, fourteen days at the least before the days appointed for holding such meetings respectively; and in case any annual or other general meeting shall not be attended by the lieutenant and two deputy lieutenants, or by three deputy lieutenants, as herein-before required, the lieutenant, or any one deputy lieutenant, who shall attend at such meeting, shall and may adjourn the same to any other time, and to any place within such county, riding, or place; and in case no deputy lieutenant shall attend at the time and place appointed for the next meeting, then the clerk of the general meetings, or his deputy, shall adjourn such meeting to any other time, to be holden at the same place.

Regulations for subdivision meetings.

XIX. And be it further enacted, That meetings of the deputy lieutenants within the subdivisions of their respective counties, ridings, and places, shall be holden as herein-after directed; which subdivision meetings shall consist of two deputy lieutenants at the least: provided always, that at any subdivision meeting appointed according to the directions of this act, where two deputy lieutenants do not attend, it shall be lawful for any one deputy lieutenant, together with any one justice of the peace of the county, riding, or place, within which such subdivision lies, to do all acts, matters, and things, which are by this act directed to be done by deputy lieutenants, at their respective subdivision meetings; and all such acts, matters, and things, so done by any such deputy lieutenant and justice of the peace, shall be as good, valid, and effectual in the law, to all intents and purposes, as if they had been done by two deputy lieutenants of such county, riding, or place; any thing in this act to the contrary hereof notwithstanding.

Clerk to give notice of subdivision meetings to the deputy lieutenants, etc.

XX. And be it further enacted, That the respective clerks of the subdivision meetings shall, as soon as conveniently may be after any such subdivision meeting shall have been appointed, give notice in writing of the time and place of meeting to such of the deputy lieutenants who shall be resident within such subdivision, as he conveniently can, and also to the commanding officer of the regiment or battalion, if on actual service, or (if not on actual service) to the colonel thereof, or (in case of the absence of the colonel from *Great Britain*) to the next commanding

manding officer within *Great Britain*, and an account of the ſeveral days fixed for receiving liſts, and for balloting, and for inrolling the militia men within ſuch ſubdiviſion; and ſhall, as ſoon as the militia men are inrolled, likewiſe tranſmit to the colonel or commanding officer as aforeſaid a liſt ſpecifying the names, trades, and uſual places of abode of all ſuch militia men as are inrolled, and where there are ſubſtitutes, the names, trades, and places of abode of the perſons in the room of whom they were inrolled as ſubſtitutes.

When a ſufficient number do not attend, another meeting to be appointed within 14 days.

XXI. And be it further enacted, That if it ſhall happen that there ſhall not appear, at any ſubdiviſion meeting, two deputy lieutenants, or one deputy lieutenant and one juſtice of the peace, the clerk of ſuch meeting ſhall, by notice to be given in writing to all the deputy lieutenants within ſuch ſubdiviſion, or left at their reſpective places of abode, appoint another meeting to be held, within fourteen days, at the ſame place where ſuch meeting was to have been holden, ſuch notice being given five days at the leaſt previous to ſuch meeting.

Annual meetings to appoint ſubdiviſion meetings, and to require liſts of perſons liable to ſerve.

XXII. And be it further enacted, That the lieutenant and deputy lieutenants, or the deputy lieutenants, at every annual meeting to be holden as herein before directed, ſhall appoint the firſt meetings of the deputy lieutenants within the ſeveral ſubdiviſions of their reſpective counties, ridings, and places, which ſaid firſt meetings ſhall be appointed to be held as early after the twenty-fourth day of *October* in every year, as conveniently may be; and the ſaid lieutenant and deputy lieutenants, or the ſaid deputy lieutenants, may, if they judge needful, appoint the time and place for a ſecond general meeting, and ſhall iſſue out their orders to the chief conſtables, and where there is no chief conſtable, to ſome other officer of the ſeveral hundreds, rapes, laths, wapentakes, or other diviſions, within their reſpective counties, ridings, and places, requiring every ſuch chief conſtable or other officer as aforeſaid, to iſſue an order under his hand to all conſtables, tythingmen, headboroughs, or other officers of every pariſh, tything, or place, within their reſpective hundreds, rapes, laths, wapentakes, or other diviſions, to return to the deputy lieutenants within their reſpective ſubdiviſions, at the places, and on the days appointed at the firſt general meeting in every year, fair and true liſts in writing of the names of all the men uſually and at that time dwelling within their reſpective pariſhes, tythings, and places, between the ages of eighteen and forty-five years, diſtinguiſhing their reſpective ranks and occupations, and where the true names of ſuch perſons cannot be procured, the common appellation of ſuch perſons ſhall be ſufficient, and diſtinguiſhing which of the perſons ſo returned labour under any infirmity likely to incapacitate them from ſerving as militia men, having firſt affixed a

Copies of liſts to be affixed on the church door, &c.

true copy of every ſuch liſt on the door of the church or chapel belonging to every ſuch pariſh, tything, or place, or (if any place ſhall have no church or chapel belonging thereto) on the door of the church or chapel of ſome pariſh or place thereto adjoining,

adjoining, on some *Sunday* morning before they shall make such return, which *Sunday* shall be three days at the least before the said meeting, and also notice in writing, at the bottom of the said copy of every such list, of the day and place of such meeting, and that all persons who shall think themselves aggrieved may then appeal, and that no appeal will be afterward received; and on the days, and at the places so respectively appointed as aforesaid, for the returns of the lists, the constables, tythingmen, headboroughs, or other officers respectively, shall attend and verify the said returns upon oath; and the said deputy lieutenants, or any two or more of them, assembled in their respective subdivisions, shall (after hearing any person who shall think himself aggrieved by having his name inserted in any such list, or by the omission of any other name) direct such list to be amended, as the case shall require, and shall also direct the names of all persons by this act respectively excepted from serving in the militia, to be struck out of the said list, and shall appoint the times and places for their second meetings, within their respective subdivisions, and shall return to the clerk of the general meetings, for the use of the said general meetings, certificates under their hands of the number of men in each parish, tything, or place specified in the list so amended, and the same shall be filed by the clerk for the use of the general meetings.

Constables to verify the lists upon oath.

Subdivision meetings to amend lists, and make returns to the clerk of the general meetings.

XXIII. And be it further enacted, That the lieutenant of any county, riding, or place, together with any three or more deputy lieutenants, and on the death or removal, or in the absence of any lieutenant, any five or more deputy lieutenants, may, at any general meeting holden as before directed, alter the appointed subdivisions within such county, riding, or place, if they shall see occasion; and also may alter the established allotment of the number of men in each respective hundred, rape, lath, wapentake, or other division, to serve in the militia, towards raising the number of militia men by this act directed to be raised for such county, riding, or place, according to the numbers contained in such respective certificates last received from the several subdivision meetings.

General meetings may alter the appointed subdivisions, etc.

XXIV. And be it further enacted, That the deputy lieutenants assembled at their said second meeting, within any subdivision as aforesaid, shall appoint what number of men shall serve for each parish, tything, and place within such subdivision, in proportion to the number last appointed, in the manner hereinbefore directed, at a general meeting, to serve for each hundred, rape, lath, wapentake, or other division, and shall appoint another meeting to be holden, within three weeks from the day on which such meeting was holden, within the same subdivision, and shall issue out an order to the chief constables, or other officers of the respective hundreds, rapes, laths, wapentakes, or other divisions, requiring them to give notice to the constable, tythingman, headborough, or other officer of every parish, tything, or place, within their respective hundreds, rapes,

Deputy lieutenants to appoint what number of men shall serve for each parish, etc. who are to be ballotted for.

rapes, laths, wapentakes, or other divisions, of the number of men so appointed to serve for such parish, tything, or place, and of the time and place of the next subdivision meeting; and the said deputy lieutenants, or any two or more of them, assembled in pursuance of such appointment, shall cause the number of men appointed to serve as aforesaid to be chosen by ballot out of the list returned for every parish, tything, or place aforesaid, and shall appoint another meeting to be holden within three weeks in the same subdivision, and shall issue out an order to the chief constables, or other officers of the respective hundreds, rapes, laths, wapentakes, or other divisions, to direct the constable, tythingman, headborough, or other officer of every parish, tything, or place, to give notice to every man so chosen to serve in the militia, to appear at such meeting, which notice shall be given or left at his place of abode, at least seven days before such meeting; and such constable, tythingman, headborough, or other officer, shall attend such meeting, and make a return upon oath of the days when such notice was served; and every person so chosen by ballot shall, upon such notice, appear at such meeting, and there take the following oath; (that is to say),

Persons chosen to take the following

Oath;

I A. B. *do sincerely promise and swear, That I will be faithful, and bear true allegiance to his majesty King* George; *and I do swear, That I am a protestant, and that I will faithfully serve in the militia, within the kingdom of* Great Britain, *for the defence of the same, during the time of five years for which I am inrolled, unless I shall be sooner discharged.*

and to be enrolled for 5 years.

Persons chosen may find substitutes, who are then to be enrolled and sworn.

And every such person shall be inrolled (in a roll to be then and there prepared for that purpose) to serve in the militia of such county, riding, or place, as a private militia man, for the space of five years: provided always, That if any person so chosen by ballot shall produce for his substitute a man of the same county or riding, or of some adjoining county or riding, able and fit for service, who shall have not more than one child born in wedlock, and who shall be approved by the said deputy lieutenants, or any two or more of them, such substitute, so produced and approved, shall be inrolled to serve in the militia of such county, riding, or place, as a private militia man, for the space of five years, and also for such further time as the militia shall remain embodied, if, within the space of five years, his Majesty shall order and direct the militia for which such man is enrolled to be drawn out and embodied, as herein-after provided; and such substitute shall take the following oath:

The oath.

I A. B. *do sincerely promise and swear, That I will be faithful, and bear true allegiance to his majesty King* George; *and I do swear, That I am a protestant, and that I will faithfully serve in the militia, within the kingdom of* Great Britain, *for the defence of the same, during the time of five years, or for such further time as the*

the

the militia shall remain embodied, if within the space of five years, his Majesty shall order and direct the militia to be drawn out and embodied, unless I shall be sooner discharged.

And any person so chosen by ballot, for whom such substitute shall have been so produced, approved, inrolled, and sworn as aforesaid, shall be exempt from service in the militia, in the same manner as if he himself had served according to the directions of this act.

If the full number are not inrolled, a fresh ballot to be taken.

XXV. And be it further enacted, That if, through the neglect or mistake of any chief constables, constables, or other officers, or from any other cause, the full number of men appointed for any subdivision should not be duly inrolled at the meeting appointed for that purpose, as before directed, then the deputy lieutenants, at their said meeting, or any two or more of them, may, and they are hereby required, immediately to cause the lists to be amended, and to proceed to a fresh ballot, and to adjourn their meeting, or appoint other meetings, and repeat the amending of the lists, as may be necessary and expedient for carrying the purposes of this act duly and fully into execution; and it shall be lawful for any one deputy lieutenant to administer the oath herein-before required to be taken by persons to serve in the militia, to any person ballotted, or to any person offering as a volunteer under the directions of this act, or to any person who, being qualified as this act requires, shall offer to serve as a substitute; and such deputy lieutenant is hereby authorised to direct and require the clerk of the subdivision for which every such person by whom the said oath has been before him taken is to serve, to inroll the name of every such person, together with the date of the day on which the said oath was so administered to him, in the roll of such subdivision.

One deputy may administer the oath, etc.

Persons chosen and not appearing, etc. forfeit 10l.

XXVI. And be it further enacted, That if any person chosen by ballot, according to the directions of this act, to serve in the militia (not being one of the people called *Quakers*), shall refuse or neglect to appear and take the said oath, and serve in the militia, or to provide a substitute, to be approved as aforesaid, who shall take the said oath, and sign his consent to serve as his substitute, every such person so refusing or neglecting, shall forfeit and pay the sum of ten pounds, and at the expiration of five years be liable to serve again, or provide a substitute; and in default of payment of such penalty, or for want of sufficient effects whereon to levy the same, the name of such person shall be entered on the roll, and such person shall be delivered over to some proper officer of the regiment, battalion, or independent company, for which he was ballotted, and shall be compelled to serve for such term, to be computed from the time of his being apprehended, as any other person who should be then ballotted for would be compellable to serve, and shall be subject to the same punishments, for afterwards absconding or deserting, as he would have been subject to in case he had appeared,

If penalty be not paid, the person shall be compelled to serve.

peared, and been duly sworn and inrolled as a militia man.

Persons herein specified exempted from serving, &c.

XXVII. Provided always and be it further enacted, That no peer of this realm, nor any person who shall serve as a commissioned officer in any regiment, troop, or company in his Majesty's other forces, or in any one of his Majesty's castles or forts, nor any non-commissioned officer, or private man, serving in any of his Majesty's other forces, nor any commissioned officer serving, or who has served four years in the militia, nor any person being a member of either of the universities, nor any clergyman, nor any licensed teacher of any separate congregation, nor any constable or other peace officer, nor any articled clerk, apprentice, seaman, or seafaring man, nor any person mustered, trained, and doing duty, or employed in any of his Majesty's docks or dock yards, for the service thereof, or employed and mustered in his Majesty's service in the tower of *London*, *Woolwich* warren, the several gun wharfs at *Portsmouth*, or at the several powder mills, powder magazines, or other storehouses belonging to his Majesty under the direction of the board of ordnance, nor any person being free of the company of watermen of the river *Thames*, nor any poor man who has more than one child born in wedlock, shall be liable to serve personally, or provide a substitute to serve, in the militia; and no person having served personally, or by substitute, according to the directions of this act, or any former act or acts, shall be obliged to serve again, until by rotation it shall come to his turn; but no person who has served only as a substitute shall by such service be exempted from serving again, if he shall be chosen by ballot.

Lists for two places may be added together.

XXVIII. And be it further enacted, That it shall be lawful for the said deputy lieutenants, or any two or more of them, within their respective subdivisions, to add together, whensoever they shall think necessary, the lists for two or more parishes, tythings, or places, and proceed upon such lists added together, in like manner as if they had been originally returned for one parish, tything, or place, so as to make the choice of militia men by ballot within every such subdivision as equal and impartial as possible.

New lists to be made out when any are lost.

XXIX. And be it further enacted, That if the list of any parish, tything, or place, shall be lost or destroyed, it shall be lawful for the said deputy lieutenants, or any two or more of them, to cause a new list in such parish, tything, or place, to be made and returned to them at their next subdivision meeting, in the same manner as the list lost or destroyed was made, and ought to have been returned to them, by direction of the general meeting.

Penalty on constables neglecting their duty, &c.

XXX. And be it further enacted, That it shall be lawful for the deputy lieutenants within any subdivision, or any two or more of them, from time to time, to issue their order or warrant, under their hands and seals, requiring the attendance of the constable, tythingman, headborough, or other officer of any parish, tything, or place, within such subdivision, at such time

and place as in such order or warrant shall be expressed; and if any such constable, tythingman, headborough, or other officer, shall refuse or neglect to appear according to such order or warrant, or if any chief constable or other officer of any hundred, rape, lath, wapentake, or other division, or any constable, tythingman, headborough, or other officer of any parish, tything, or place, shall refuse or neglect to return any such list as before directed, or to comply with such orders and directions as he shall from time to time receive from the said deputy lieutenants, or any two or more of them, in pursuance of this act, or shall in making such return be guilty of any fraud or wilful partiality or gross neglect, in his duty, the said deputy lieutenants, or any two or more of them, are hereby impowered and required to commit the person so offending to the common gaol, there to be kept, without bail or mainprize, for the space of one month, or at their discretion to fine such person in any sum not exceeding five pounds nor less than forty shillings.

50l. penalty on persons endeavouring to procure false returns, and 10l. on persons giving in false names, etc.

XXXI. And be it further enacted, That any person who shall by gratuity, gift, or reward, or by promise thereof, or of any indemnification, or by menaces, or otherwise, endeavour to prevail on any chief constable, constable, tythingman, headborough, or other officer, to make a false return of any list for any parish, tything, or place, or to erase or leave out of any such list the name of any person who ought to be returned to serve as a militia man, every such person shall, for every such offence, forfeit and pay the sum of fifty pounds; and if any person shall refuse to tell his christian and surname, or shall falsely tell a christian or surname, pretending the same to be his true christian or surname, or shall refuse to tell the christian or surname of any man lodging or residing within his or her house, or shall knowingly tell any false name, pretending it to be the true name of any such person, to any constable, tythingman, or other officer authorised by this act to demand the same, every such person shall forfeit and pay the sum of ten pounds.

Persons must serve, though removed from the place where balloted for, etc.

XXXII. And be it further enacted, That every person chosen by ballot to serve in the militia shall be liable to such service, although he may have removed from the place where his name was inserted in the list, provided he was residing in such place at the time when the list was, according to the directions of this act prepared; and every person liable to serve in the militia, having more than one place of residence, shall serve for the county, riding, or place where his name shall have been first inserted in such list as aforesaid; and the clerk to the subdivision meeting to which such list shall be returned, shall, if such person requires the same, grant a certificate *gratis* under his hand, that such person's name was inserted in such list, and specifying the time when such list was made and returned.

Parish to be deemed belonging to the county wherein the church is situate.

XXXIII. And be it further enacted, That where any parish shall lie in two or more counties or ridings, the inhabitants of such parish shall serve in the militia of that county or riding wherein the church belonging to such parish is situated, and that

that such parish shall, for all the purposes of this act, be deemed part of that county or riding.

Persons fraudulently bound apprentice, liable to serve, and the master to forfeit 10l.

XXXIV. Provided always, and be it further enacted, That if any two or more deputy lieutenants shall at any of their subdivision meetings receive information, or shall suspect, that any person whose name is inserted in any list, and described as an apprentice, has been fraudulently bound apprentice, in order to avoid serving in the militia, it shall be lawful for them to make inquiry thereof, and to summon such persons as they shall think necessary, to appear before them at such time and place as they shall appoint, and to examine such persons upon oath; and in case it shall appear that such binding was fraudulent, in order to avoid serving in the militia, it shall be lawful for such deputy lieutenants to appoint such person, so fraudulently bound apprentice, to serve as a militia man for the parish, tything, or place for which such list shall have been returned, if there shall be a vacancy; and if there shall be no vacancy at that time, then upon the first vacancy that shall happen; and the person to whom such apprentice shall have been so bound shall for such offence forfeit and pay the sum of ten pounds.

Two deputy lieutenants may provide substitutes for quakers, and levy the expence by distress, &c.

XXXV. And be it further enacted, That if any person, being one of the people called *Quakers*, shall be chosen by ballot to serve in the militia, and shall refuse or neglect to appear, and to take the oath and serve in the militia, or to provide a substitute, to be approved as aforesaid, who shall take the said oath, and subscribe his consent to serve as the substitute of such quaker, then, and in every such case, any two or more deputy lieutenants shall, if they shall think proper, upon as reasonable terms as may be, provide and hire a fit person to serve as a substitute for such quaker, and such substitute shall take the said oath, and subscribe his consent to serve in the militia, for the same term, and on the same conditions, as is herein-before directed in the case of substitutes produced by persons chosen by ballot; and any two or more deputy lieutenants may, and are hereby authorised, by warrant under their hands and seals, to levy, by distress and sale of the goods and chattels of such quaker, such sum of money as shall be necessary to defray the expence of providing and hiring such substitute, rendering to such quaker the overplus (if any), after deducting the charges of such distress and sale; and if no goods or chattels belonging to such quaker can be found sufficient to levy such distress, and it shall nevertheless appear satisfactorily to such deputy lieutenants, that such quaker is of sufficient ability to pay the sum of ten pounds, then it shall be lawful for such deputy lieutenants to commit such quaker to the common gaol, there to remain, without bail or mainprize, for the space of three months, or until he shall have paid such sum of money as such deputy lieutenants shall have agreed to pay to such substitute as aforesaid; and in case any measures shall be used in making distress as aforesaid, which may be by any such quaker thought oppressive, it shall be lawful for such quaker to complain to the deputy lieutenants

lieutenants at their next meeting, who are hereby impowered and required to hear and finally determine the same.

Justices may order payment of the costs of levying by distress where quaker refuse to pay rates.

XXXVI. And be it further enacted, That where any rate shall have been made for the providing of volunteers, according to the directions of this act, and the churchwardens or overseers shall make complaint to a justice of the peace, that any quaker refuses to pay the sum or sums of money he or they shall be rated at, such justice shall order such costs and charges to be paid for levying such distress as he shall think reasonable, not exceeding ten shillings on each of the said quakers, where there are no more than two, and where there are a greater number than two, not exceeding five shillings on each of the said quakers: provided always, That no man shall be deemed, taken, and accepted to be a quaker, within the meaning of this act, unless he shall produce before the deputy lieutenants, at some of their subdivision meetings, a certificate, under the hands of two or more reputable housekeepers, being of the people called *Quakers*, acknowledging such man to be one of their persuasion.

Persons unfit to serve, when chosen, may be discharged by the deputy lieutenants.

XXXVII. And be it further enacted, That whenever it shall appear to any two or more deputy lieutenants, assembled at any subdivision meeting, that any person chosen by ballot to serve in the militia is unable, by reason of any infirmity, or is not of the full height of five feet four inches, or is otherwise unfit for the service, and is not seised or possessed of an estate in land, goods, or money, of the clear value of one hundred pounds, and who shall make oath that he is not seised or possessed of such estate, such deputy lieutenants shall, and are hereby impowered and required to discharge such person, and immediately to amend the list for the place for which such person shall have been balloted, and to cause another person to be chosen in his stead by ballot, according to the directions of this act.

Persons becoming unfit to serve, may be discharged by the commanding officer;

which discharge must be confirmed by two deputy lieutenants.

XXXVIII. And be it further enacted, That whenever any militia man, after having been sworn and inrolled, shall become unfit for service, it shall be lawful for the colonel or commanding officer of the regiment, battalion, or independent company to which such militia man shall belong, together with any two or more deputy lieutenants of the county, riding, or place to which such regiment, battalion, or independent company belongs, if the said regiment, battalion, or independent company, shall then be within the said county, riding, or place, or for the commanding officer only, if the said regiment, battalion, or independent company, shall be absent therefrom, to discharge any militia man of his regiment, battalion, or independent company; but another man shall not be balloted for, in the room of such militia man so discharged, until such discharge shall be confirmed under the hands of two or more deputy lieutenants of the county, riding, or place to which such regiment, battalion, or independent company belongs, assembled at any meeting in the subdivision for which such militia man was inrolled.

Vacancies occasioned by death, &c. to be filled up by a fre ballot.

XXXIX. And be it further enacted, That when any militia man shall, before the expiration of the term for which he was to serve, die, or be appointed a serjeant, corporal, or drummer, in the militia, or be discharged in pursuance of the sentence of a court-martial, the vacancy thus occasioned shall be filled up by a fresh ballot for a militia man to serve according to the provisions of this act, except as is herein before excepted.

At subdivision meetings, men to be ballotted for, in room of those whose terms of service will expire Nov. 20, next ensuing, &c.

XL. And be it further enacted, That any two or more of the deputy lieutenants, at their several subdivision meetings, shall, and they are hereby required to ballot for militia men, in the room of all militia men actually serving, whose terms of service will expire before the twentieth day of *November* then next ensuing the holding of such subdivision meetings, and shall at a following meeting, to be holden as soon as conveniently may be, proceed to inrol the said ballotted men, or their substitutes; and the commanding officer of every regiment, battalion, and independent company, is hereby impowered from time to time to discharge any man of his regiment, battalion, or independent company, whose time of service will expire before the twentieth day of *November* then next ensuing, and to receive any other militia man in his room, who shall have taken the oath, and been inrolled according to the directions of this act; and every such man so discharged, if serving for himself, shall be entitled to the same immunity from further service as if he had served his full term; and if any such man so discharged was serving as a substitute, then the person for whom he served shall be entitled to the like immunity as aforesaid.

Half the price of volunteers to be paid persons chosen by ballot, who are not worth 500l.

XLI. And be it further enacted, That in case any person not possessed of an estate in land, goods, or money, of the clear value of five hundred pounds, and who shall make oath that he is not possessed of such estate, shall be chosen by ballot to serve in the militia for any parish, tything, or place, when the said militia is drawn, or ordered out for actual service, and such person shall be sworn and inrolled, or shall provide a fit person to serve as his substitute, who shall be sworn and inrolled, the churchwardens or overseers of the poor of such parish, tything, or place, shall, on receiving an order under the hands of any two or more deputy lieutenants acting within the subdivision wherein such parish, tything, or place is situate, pay to every such person, so chosen by ballot, any such sum of money, not exceeding the sum which such deputy lieutenants shall adjudge to be as near as may be one half of the current price then paid for a volunteer in the county, riding, or place where such person was so chosen, which said sum of money shall be taken out of the poor's rate, to be made as herein-after directed for providing and producing volunteers, or in case no volunteers shall be provided or produced by the churchwardens or overseers, then out of a rate to be made and collected agreeable to the poor's rate, as herein-after also directed; and in case any church-warden or overseer of the poor shall refuse or neglect to pay such money, upon demand, and the producing of such order,

der, every such churchwarden or overseer, so refusing or neglecting to make such payment, shall, for every such offence, forfeit the sum of five pounds, one half of which penalty shall be paid to the person so chosen by ballot, in lieu of the sum ordered to be paid to him as aforesaid: provided always, That if any man so chosen by ballot, and serving for himself, shall, within one month after his inrollment, be disapproved of, and discharged by the officer commanding the regiment, battalion, or independent company, such sum shall not be paid to the person so chosen by ballot, but shall be paid, in manner beforementioned, to the next person chosen by ballot in his stead; and if any substitute be disapproved and discharged in manner aforesaid, then no such sum shall be paid to the man so chosen by ballot, whose substitute shall have been so disapproved and discharged, unless he shall serve himself, or shall find another substitute, who shall be approved by such commanding officer as aforesaid.

Volunteers may be raised with the consent of the inhabitants, and a rate established for paying them bounties.

XLII. And be it further enacted, That if the churchwardens or overseers of the poor of any parish, tything, or place, shall, with the consent of the inhabitants, taken at a vestry, or at any other meeting to be holden for that purpose, for the calling of which vestry or meeting three days publick notice shall be given, specifying the cause of calling such vestry or meeting, provide and produce to the said deputy lieutenants, or any two or more of them, at any subdivision meeting for chooſing the militia men by ballot, any volunteer or volunteers who shall be approved by such deputy lieutenants, such volunteer or volunteers, so approved, shall be then and there sworn in and inrolled, to serve for such term, and on the same conditions, as is herein-before provided in case of substitutes produced by persons chosen by ballot; and the said deputy lieutenants shall cause only such number of persons to be chosen by ballot out of the list returned for such parish, tything, or place, as shall be then wanted to make up the whole number to serve for such parish, tything, or place; and if any such churchwardens or overseers shall give to such volunteer or volunteers any sum or sums of money, not exceeding six pounds each, to serve in the militia for such parish, tything, or place, it shall be lawful for such churchwardens or overseers to make a rate upon the inhabitants of such parish, tything, or place, according to the rate then made for the relief of the poor, which rate (being approved by any justice of the peace) it shall be lawful for such churchwardens or overseers to collect, and to reimburse themselves such sum or sums of money as they shall have paid to such volunteer or volunteers as aforesaid, and the overplus (if any) shall be applied as part of the poor's rate; and if any person shall refuse to pay such rate, it shall be lawful for any justice of the peace, upon complaint thereof made by any such churchwarden or overseer, by warrant under his hand and seal, to levy the same by distress and sale of the offenders goods and chattels, returning the overplus, (if any), after the said rate,

and the charges of such distress and sale, shall be paid; but no person chosen by ballot who shall have served in the militia, either by himself, or by substitute, according to the directions of this act, or any other act or acts, or who shall be then serving himself, or by substitute, shall be liable to pay to any such rate: provided always, That if any person shall think himself aggrieved by any such rate as aforesaid, such person may appeal to the next general or quarter sessions, in like manner as is provided in the case of appeals against rates for the relief of the poor.

Justices may determine disputes between servants enrolled as militia men, and their masters, respecting wages.

XLIII. And be it further enacted, That if any servant whatever, hired by the year or otherwise, shall be inrolled as a militia man, and any dispute shall arise between his master or mistress, employer or employers, and such servant, touching any sum or sums of money due to such servant for or on account of his service performed before the time of such swearing and inrollment, or to such time as, under the conditions of the said swearing and inrollment, he shall be obliged to quit the service of his said master or mistress, employer or employers, by being called out to join the militia in which he shall have been so sworn and inrolled, it shall and may be lawful, on complaint made thereof, within three months from the time of quitting the said service, to any justice of the peace for the county, riding, city, liberty, town corporate, or place where such master or mistress, employer or employers, shall inhabit, for such justice to hear and determine every such complaint, and to examine upon oath every such servant, or any other witness or witnesses, touching the same, and to make such order for the payment of so much wages to such servant in proportion to the service he has performed, as to such justice shall seem just and reasonable, provided the sum in question do not exceed the sum of twenty pounds; and in case of refusal or nonpayment of any sums so ordered by the space of twenty-one days next after such determination, such justice shall and may issue forth his and their warrant to levy the same, by distress and sale of the goods and chattels of such master or mistress, employer or employers, rendering the overplus to the owner or owners, after payment of the charges of such distress and sale.

Penalty on substitutes, &c. who do not appear, if they do not return the bounty.

XLIV. And be it further enacted, That any person who shall receive money from any other person to serve as his substitute in the militia, or from any churchwardens or overseers of the poor, to serve as a volunteer as aforesaid, and shall neglect to appear at the usual meeting appointed for swearing the militia men, or before some one deputy lieutenant, in order to be sworn according to the directions of this act, every such person so neglecting to appear and be sworn, being convicted thereof before any deputy lieutenant, or justice of the peace, shall be obliged to return the money to the person or persons from whom he received it, and shall also forfeit and pay, to such person or persons, any sum not exceeding twenty shillings, at the discretion of the deputy lieutenant or justice of the peace before whom he

he shall be so convicted; and if such offender shall not immediately return the money so by him received as aforesaid, and likewise pay the said penalty, he shall be committed to the common goal or house of correction for the space of fourteen days, or until the said sum shall be returned.

Justices may order payment of bounty to substitutes, etc. according to act 20 Geo. 3. c. 19.

XLV. And be it further enacted, That if any person chosen by ballot to serve in the militia shall have engaged any other person to serve as his substitute, or if any churchwardens or overseers of the poor shall have engaged any person to serve as a volunteer as aforesaid, and the person so chosen by ballot, or such churchwardens or overseers shall have agreed to pay to the person so engaged, a certain sum for such service, and shall, after such person has been inrolled, refuse to pay him the full sum agreed on, it shall be lawful for any one justice of the peace, on application made to him, and such justice is hereby required to order such sum of money as shall appear to him to be due to the person so engaged, to be immediately paid to him by the person or persons by or for whom he shall be engaged to serve as aforesaid; and such justice shall proceed therein in the same manner as is directed by an act of the twentieth year of the reign of his late Majesty, *For the better adjusting and more easy recovery of the wages of certain servants, and for the better regulating of such servants, and of certain apprentices.*

When a regiment is out of its county, lists of men willing to continue to serve, after the expiration of their term, to be transmitted by the commanding officer.

XLVI. And be it further enacted, That whenever any body of militia shall be embodied, and absent from the county, riding, or place to which it belongs, the commanding officer of such body of militia shall apply to every man whose time shall be within four months of expiring, and who, in his judgement, shall be fit to serve as a militia man, and enquire if he is willing to continue in the service for such term as any man who should be then balloted to serve would be subject to, and for what price or sum he will continue; and such commanding officer shall, on the first day of the months of *January*, *March*, *May*, *July*, *September*, and *November* respectively, or as soon after as conveniently may be, transmit to the clerk of the general meeting of the county, riding, or place, to which his body of militia belongs, a list of all such private militia men in such body of militia, as he shall find willing to continue in the service, in which list shall be set down the sums they are respectively willing to continue for, and which list shall be signed by every such militia man as aforesaid, and shall be made in the following form; viz.

Dated the *day of*

Signature of consent.	Sum for which they engage to serve.	Time of service expires on the	In the hundred of	Of the parish of	If substitutes, for whom they serve.	Names of the men actually serving.	Name of the county.
A. B.			*H.*	*P.*	*C. D.*	*A. B.*	
E. F.			*I.*	*Q.*	*L. M.*	*E. F.*	
G. K.			*N.*	*R.*		*G. K.*	

And that the signing of the said roll shall be binding upon the persons signing the same, to all intents and purposes whatsoever.

Inlistment of a militia man into the standing army to be void.

XLVII. And be it further enacted, That in case any officer, serjeant, or other person, shall at any time wilfully and knowingly inlist any man to serve in his Majesty's other forces, who at the time of such inlisting shall be inrolled or engaged to serve in the militia, every such inlisting shall be deemed null and void; and in case any militia man, at the time of offering to inlist as aforesaid, shall deny to the officer, serjeant, or other person recruiting for men to inlist and serve in his Majesty's other forces, that he is (at the time of his offering to inlist) a militia man then actually inrolled and engaged to serve (which the said officer, serjeant, or other person, is hereby required to ask every man offering to inlist in his Majesty's other forces), or shall offer himself to be inrolled and serve in any other regiment, battalion, or independent company of militia, every militia man so offending shall, on conviction thereof, upon the oath of one witness before any one justice of the peace, be committed to the common gaol, or house of correction, there to remain, without bail or mainprize, for and during any time not exceeding six months, over and above any penalty or punishment to which such person so offending is or shall be otherwise liable; and every person so offending, from the day on which his engagement to serve in the militia shall end, and not sooner, shall belong, as a soldier, to such corps of his Majesty's other forces into which he shall have been so inlisted; and if any officer, serjeant, or other person shall inlist any man belonging to the militia, to serve in his Majesty's other forces, knowing him to belong to the militia, or without asking him if he belongs to the militia, every such officer, serjeant, or other person shall, for every such offence, forfeit and pay the sum of twenty pounds; and if any person actually serving in any of his Majesty's other forces shall offer himself to serve and be inrolled as a substitute in the militia, every person so offending shall forfeit and pay, to the person informing of such offence, the sum of ten pounds, or be committed to the common gaol or house of correction, for any time not exceeding three months.

Militia men offering to inlist into other regiments to be imprisoned six months, and if actually inlisted, to serve in such regiment when dismissed from the militia.

Persons so inlisting militia men to forfeit 20l.

Soldiers offering to serve as substitutes, forfeit 10l.

Persons ordering serjeants, etc. of the militia to beat up for volunteers, to forfeit 10l.

XLVIII. And be it further enacted, That if any person shall give orders to any serjeant, drummer, or other person serving in the militia, to beat up in any city, town, or place, for volunteers to serve in the militia, the person who shall give such orders shall, upon proof thereof, and of such beating up as aforesaid, upon oath, before any justice of the peace, forfeit and pay the sum of twenty pounds; one moiety whereof shall be applied to the use of the person who shall make information thereof before any justice of the peace; and if such serjeant, drummer, or other person, shall refuse to declare upon oath, before such justice, from whom he received such orders, it shall be lawful for such justice, and he is hereby required, by warrant under his hand and seal, to commit such serjeant, drummer, or other person, to the house of correction, for any time not exceeding three months.

Serjeants refusing to declare who gave them such orders, to be imprisoned.

Rolls signed at subdivision meetings to be transmitted to the general meeting.

XLIX. And be it further enacted, That the clerks of all subdivision meetings shall, within fourteen days after every subdivision meeting, transmit to the clerk of the general meeting of the county, riding, or place, fair and true copies of such rolls as shall be signed at such meeting.

A state of the number of persons liable to serve, to be transmitted annually to the privy council, who are to settle the quota for each place, and transmit the numbers to the county lieutenants.

L. And be it further enacted, That the lieutenant of every county, riding, and place shall, and he is hereby required to transmit to his Majesty's privy council, annually, an account in writing of the true state of the number of persons fit and liable to serve in the militia for such county, riding, or place; and that after the said account shall be so transmitted, his Majesty's privy council shall forthwith fix and settle, as near as may be, the number of militia men who shall for the future serve for each county, riding, or place, by the proportion which the numbers so returned bear to the whole number of militia men by this act directed to be raised, and to transmit accounts of the numbers so fixed and settled, to the lieutenants of the several counties, ridings, and places aforesaid; and where the number of militia men so fixed and settled shall be greater than the number of militia men who shall be, by virtue of this act, appointed to serve for any county, riding, or place, then, and in every such case, the lieutenant for such county, riding, or place, together with any two or more deputy lieutenants, and on the death or removal, or in the absence, of the said lieutenant, any three or more deputy lieutenants shall, at a general meeting to be holden for that purpose, appoint what number of militia men shall serve for each respective hundred, rape, lath, wapentake, or other division within such county, riding, or place; and the additional number of militia men, to make up the whole number so fixed and settled as aforesaid, shall be provided or chosen in the same manner as other militia men are by this act to be provided or chosen, and all the additional men, so provided or chosen as aforesaid, or their substitutes, and also all volunteers, shall take the oath by this act required to be taken, and shall be inrolled, or sign their consent to serve in the militia, in such manner as is directed by this act, and in case of refusal shall be subject to the same penalties as in the like cases

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are inflicted by this act: provided always, That where the number of militia men so fixed and settled as aforesaid shall be less than the number of militia men who shall be appointed to serve for any county, riding, or place, then, and in every such case, the said lieutenant, together with any two or more deputy lieutenants, or (on the death or removal, or in the absence of the said lieutenant) any three or more deputy lieutenants, shall, at a general meeting to be held for that purpose, discharge by ballot, proportionally out of each respective hundred, rape, lath, wapentake, or other division, so many militia men as shall exceed the number so fixed and settled as aforesaid.

Penalties for refusing to serve, &c. to be applied in providing substitutes.

LI. And be it further enacted, That the money arising by penalties incurred for refusing to serve in the militia, or to find substitutes to serve in their room, shall be applied, by any two or more deputy lieutenants, within their respective subdivisions, in providing substitutes for the persons who shall have paid such penalties, which substitutes shall be sworn in and inrolled to serve for the same term, and on the same conditions, as is hereinbefore provided in the case of substitutes provided by persons chosen by ballot; and if any surplus shall remain, the same shall be paid to the colonels or commanding officers of the respective regiments, battalions, or independent companies in which such persons ought to have served as militia men, and be applied as part of the regimental stock.

Surplus to be a part of the regimental stock.

Oaths may be administered by county lieutenants, &c.

LII. And be it further enacted, That in all cases in the execution of this act, when any matter or thing is directed to be enquired of or examined into upon the oath of any witness or witnesses, before any lieutenant of any county, or any deputy lieutenant or lieutenants, or justice or justices of the peace, any such lieutenant, deputy lieutenant or lieutenants, or justice or justices of the peace, is or are hereby authorised to administer such oath to any witness or witnesses; and that all other oaths to be taken in pursuance of this act shall and may be respectively administered by any lieutenant or deputy lieutenant.

How the militia are to be formed into regiments, and officered.

LIII. And be it further enacted, That in the several counties, ridings, and places, where the number of men is sufficient, the militia shall be formed into regiments, consisting of not more than twelve, nor less than eight companies, of eighty private men to a company at the most, and sixty private men at the least; and the field officers of such regiments shall be as follows; (that is to say), one colonel, one lieutenant-colonel, and one major; and where the number of militia men shall amount to a number under eight, and not less than five companies, such militia shall be formed into a battalion, and the field officers of such battalion shall be one lieutenant colonel, and one major only; and where the number of private men shall amount to any number under five, and not less than three companies, such militia shall be formed into a battalion with one lieutenant colonel, or major, and no other field officer; and in each regiment or battalion of militia there shall be one captain, one lieutenant, and one ensign to each company: provided always, That

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it shall be lawful for every battalion, consisting of five companies, or upward, to have one company of grenadiers or light infantry, to which two lieutenants shall be appointed, instead of one lieutenant and one ensign; and it shall be lawful for every regiment, consisting of eight companies, or upward, to have one company of grenadiers, and one company of light infantry, to each of which companies two lieutenants shall be appointed, instead of one lieutenant and one ensign.

How independent companies are to be formed; which may thereafter be formed into battalions.

LIV. And be it further enacted, That in the several counties, ridings, and places, where the number of militia men shall not be sufficient to form a regiment or battalion, according to the intent and meaning of this act, the militia of such counties, ridings, and places, shall be formed into independent companies, each company to consist of eighty private men at the most, and sixty private men at the least, with one captain, one lieutenant, and one ensign to each company; and that his Majesty may, whenever he thinks proper, join together any number of such independent companies, and form a battalion or battalions, or may incorporate them with any other regiment or battalion of militia, provided the number of companies in any such regiment or battalion be not thereby made to exceed the number of companies of which a regiment or battalion of militia is hereinbefore directed to consist.

County lieutenants may act and bear rank as colonels, though the bodies of men do not entitle their commanding officers to that rank.

LV. And be it further enacted, That it shall be lawful for the lieutenant of any county, riding, or place, to act as colonel or commanding officer of any regiment, battalion, or independent company of militia for such county, riding, or place, for and during such time as there shall not be any colonel or commanding officer appointed to such regiment, battalion, or independent company, but no such lieutenant shall, at any one time, act as colonel or commanding officer to more than one body of militia, whether regiment, battalion, or independent company; and where the lieutenant of any county, riding, or place, shall take the command of any body of militia not being by this act deemed a regiment, he shall be entitled to the rank of colonel, except when the said company shall be formed into battalion as aforesaid, but shall receive no greater pay than the proper commanding officer of such body would be entitled to.

The senior officer in Great Britain to be invested with the powers given to colonels.

LVI. And be it further enacted, That when any colonel or other commanding officer of any regiment, battalion, or independent company, shall be absent from *Great Britain*, all the powers by this act given to such colonel or other commanding officer shall be vested in and lawfully may be exercised by the next officer in command in such regiment, battalion, or independent company, who shall be residing within *Great Britain*, until such colonel or other commanding officer shall be returned to *Great Britain*, and shall have notified his arrival to the clerk of the peace of the county, riding, or place to which such regiment, battalion, or independent company belongs, and the clerk of the peace is hereby required forthwith, upon receipt of such notification, to transmit an account thereof to the officer who

who shall have been next in command as aforesaid; and all acts, matters, and things done by such officer next in command as aforesaid, in exercising the powers given by this act to colonels and other commanding officers, shall be good and valid in the law, equally as if they had been done by the colonel or commanding officer himself.

The rank of colonel may be given to lieutenant colonels commandant of five years service.

LVII. And be it further enacted, That when a battalion of militia is commanded by a lieutenant colonel, who shall have been commandant of the same for five years, or longer, it shall be lawful for the lieutenant of the county, riding, or place to which such battalion shall belong, with the consent of his Majesty, to give to such lieutenant colonel commandant a commission of colonel.

How the militia is to be officered, where the numbers are not sufficient for a regiment.

LVIII. And be it further enacted, That in all counties where the number of men are sufficient to form six companies, but not sufficient to form a regiment, it shall be lawful for the lieutenant to appoint three persons, qualified according to the directions of this act, to serve, with the rank of colonel, lieutenant colonel, and major, but with no higher pay than if they were appointed lieutenant colonel, major, and captain; and where the number of men shall be sufficient to form four companies, but not sufficient to form six companies, it shall be lawful for the lieutenant to appoint two persons, qualified as aforesaid, to serve, with the rank of lieutenant colonel and major, but that only one of them shall be entitled to any higher pay than that of captain; and in all counties and places where the number of militia men is not sufficient to form more than two companies, the eldest captain shall rank as major, but shall only be entitled to the pay of captain.

Lieutenants may be appointed captain lieutenants, where there are six companies in the regiment.

LIX. And be it further enacted, That any person duly qualified as a lieutenant may be appointed to the rank of captain lieutenant in any regiment or battalion of militia, consisting of not less than six companies; but that no captain lieutenant shall, by the date of his commission or otherwise be entitled to rank above, or to command any captain of a company in the militia.

Adjutants to be appointed from the army, or embodied militia.

LX. And be it further enacted, That his Majesty may and shall appoint one proper person who shall have served, or shall at the time of such appointment actually serve, in some of his Majesty's other forces, or in any body of militia that has been drawn out and embodied, to be an adjutant to each regiment, battalion, or independent company of militia, in every county, riding, or place, and such adjutant, if appointed out of his Majesty's other forces, shall, during his service in the militia, preserve his rank in the army in the same manner as if he had continued in that service; and the lieutenant of any county, riding, or place, may give any such adjutant a commission of a lieutenant or ensign, although such adjutant may not have the qualification required by this act for a lieutenant or ensign; and it shall be lawful for the lieutenant of any county, riding, or place, on the recommendation of the commanding officer of any regiment

Rank in the army to be preserved by adjutants, who may hold a subaltern's commission, though not qualified, and may have the brevet rank of captain, &c.

ment or battalion of militia raised within such county, riding, or place, consisting of not less than six companies, to appoint the adjutant of such regiment or battalion to the rank of captain, by brevet, provided such adjutant has served five years in the rank of lieutenant, whether in the militia or in his Majesty's other forces, although such adjutant may not have the qualification required by this act for captains: provided always, That no such appointment to the rank of captain shall be valid, unless in the instrument granting the same it be specified in what regiment or battalion, and whether of the militia or of his Majesty's other forces, such adjutant hath served in the rank of lieutenant, and what was or were the date or dates of his commission or commissions: provided also, That no adjutant so appointed to the rank of captain shall, by the date of such appointment as aforesaid, or otherwise, be entitled to rank above, or to command, any captain of a company in the militia, nor shall, by virtue of such appointment, be entitled to receive any greater pay than that of a lieutenant, together with his pay as adjutant.

A paymaster may be appointed to battalion of more than two companies; but the money necessary for a less number, to be paid to the commanding officer.

LXI. And be it further enacted, That the colonel, or (where there is no colonel) the commanding officer of every regiment or battalion of militia, consisting of more than two companies, when such regiment or battalion is not in actual service, may appoint a regimental or battalion clerk, who shall execute the office of paymaster; but where the number of men shall not be sufficient to form more than two companies, no clerk shall be allowed, but the receiver-general of the land tax shall pay the money necessary for such number of men to the commanding officer of such company or companies, which commanding officer shall account with the receiver-general for the same.

No adjutant, etc. to be appointed captain of a company, etc.

LXII. And be it further enacted, That no adjutant, surgeon, regimental or battalion clerk, or quarter master in the militia, shall be capable of being appointed captain of a company; and that no person holding the commission of captain of a company shall be capable of being appointed adjutant, surgeon, regimental or battalion clerk, or quarter master: provided nevertheless, That any battalion clerk may be appointed a captain lieutenant in any regiment or battalion of militia entitled by the provisions of this act to have a captain lieutenant.

Half pay officers serving as subalterns, &c. not to forfeit their half pay.

LXIII. And be it further enacted, That no officer who is entitled to half pay, shall be deemed or taken to forfeit or quit such half pay during the time he shall serve as lieutenant, ensign, adjutant, battalion clerk, paymaster, quarter master, or surgeon, in any regiment, battalion, or independent company of militia, but that the same shall nevertheless continue; and instead of the oath directed by the act *for punishing mutiny and desertion, and for the better payment of the army and their quarters*, to be taken by such officer, he shall take the following oath:

Form of oath to be taken by such officers.

I, A. B. *do swear, That I had not, between the* *any place or employment of profit, civil military, under his Majesty, besides my allowance of half pay as a* *reduced*

reduced in late regiment of save and except my pay as lieutenant, ensign, adjutant, battalion clerk, paymaster, quarter master, or surgeon, [as the case may be], *for serving in a regiment of militia:*

And the taking of the said oath shall, without taking any other oath, be sufficient to entitle such person to receive his half pay.

Proportion of non-commissioned officers and drummers, when the militia is not on actual service, and their pay, &c.

LXIV. And be it further enacted, That serjeants, corporals, and drummers shall be appointed to the militia, in the following proportions (that is to say), When not in actual service there shall be one serjeant and one corporal to every thirty men, and when the militia shall be drawn out into actual service, an addition shall be made, so that there shall be one serjeant and one corporal to every twenty men, and when not in actual service, there shall be one drummer to every company, with an addition of one drummer for each flank company of regiments or battalions consisting of six or more companies, and when the militia shall be drawn out into actual service there shall be an addition of one drummer to every company so drawn out; and the daily pay of every such serjeant, corporal, and drummer, shall be as follows (that is to say), To every serjeant one shilling, to every corporal eight-pence, and to every drummer sixpence; and such serjeants, corporals, and drummers, shall be new cloathed, when not in actual service, once in two years: and all serjeants and corporals shall take the following oath; (that is to say),

Form of the oath to be taken by serjeants, &c.

I, A. B. *do sincerely promise and swear, That I will be faithful, and bear true allegiance to his majesty King* George; *and I do swear that I am a protestant, and that I will faithfully serve as a serjeant,* or *corporal,* [as the case shall be], *in the militia within the kingdom of* Great Britain, *for the defence of the same, until I shall be legally discharged:*

Serjeant majors and drum majors to be appointed.

And the colonel of every regiment or battalion, or (where there is no colonel) the commanding officer of every battalion consisting of four or more companies, may appoint a serjeant major out of the serjeants, and a drum major out of the drummers; and that all serjeants, corporals, and drummers, having received any pay as such from any regiment, battalion, or independent company, shall be deemed to be engaged, and compellable to serve in such regiment, battalion, or independent company, until they shall be legally discharged: provided always, That no person who shall keep any house of publick entertainment, or who shall sell any ale or wine, or any brandy or other spirituous liquors by retail, shall be capable of being appointed or serving as a serjeant, corporal, or drummer, in the militia: provided always, That if it shall happen that in any regiment or battalion there shall be a surplus of fifteen men or upwards, after the apportionment of one serjeant and one corporal to every thirty men, such regiment or battalion shall be entitled to have one additional

No publican, etc. capable of serving as a serjeant, etc.

A surplus of 15 men, above the proportion of 30 to 1 corporal, to entitle

additional corporal, when not in actual service, for such surplus number of men.

the battalion to an additional corporal.

LXV. And be it further enacted, That any serjeant, corporal, or drummer, may be discharged by the colonel, or (where there is no colonel) by the commanding officer (with the consent of the captain of the company); and that the captain (with the approbation of the commanding officer) may appoint any proper person in the room of every serjeant, corporal, and drummer, who shall die, desert, or be discharged, all which serjeants and corporals, so appointed, shall take the like oath as is hereinbefore required to be taken by serjeants and corporals.

Commanding officers may discharge serjeants, etc. and the captains may appoint successors.

LXVI. And be it further enacted, That in case his Majesty's lieutenant for any county, or the commanding officer of any regiment, battalion, or independent company, shall be desirous of keeping up a greater number of drummers than one *per* company, to be employed as fifers or musicians for the use of the said regiment, battalion, or independent company, and shall be willing to defray the expence of such additional drummers, it shall and may be lawful for the commanding officer of any regiment, battalion, or independent company, to retain in their respective corps any number of the drummers who now are employed as fifers or musicians therein, over and above the number of one drummer *per* company established by this act, or at any time hereafter to engage any additional number of drummers to act as fifers or musicians in their respective corps; and all such drummers so retained, or in future engaged to serve in any such corps as fifers or musicians, shall be deemed as drummers of militia within the meaning of this act, to all intents and purposes whatsoever, and shall be subject to the same orders, regulations, penalties, and punishments, as other drummers of militia are by this act subject, and shall continue to serve as drummers so long as they shall receive the same pay and cloathing as other drummers have, or better cloathing in lieu thereof, and no longer.

Extra drummers may be kept as musicians, but not at the expence of the publick.

LXVII. And be it further enacted, That any person, being a serjeant on the establishment of *Chelsea Hospital*, at the allowance of twelve-pence a day, and being appointed to serve in the militia, shall and may receive the said allowance of twelve-pence a day, together with his pay from the said militia: and any person who shall have faithfully served as a serjeant in the militia for fifteen years, or as a corporal or drummer for twenty years, and who shall be discharged on account of age or infirmity, shall, on the recommendation of the commanding officer of the regiment, battalion, or independent company, to which he belongs, and the lieutenant, and two or more deputy lieutenants of the county, riding, or place, to which the said regiment, battalion, or independent company belongs, or on the death or removal, or in the absence of the said lieutenant, by the commanding officer, and three or more deputy lieutenants of such county, riding, or place, be entitled to examination at the *Chelsea* board, and be capable to be placed on the pension of five-pence

Serjeants of Chelsea Hospital may receive their allowance therefrom together with their pay. What service entitles serjeants, &c. to a recommendation to the Chelsea pension.

pence *per Diem*, if the said board should judge him deserving thereof: provided that no person who shall be appointed a serjeant in the militia after the passing of this act, shall be entitled to such recompence, until he shall have served in the militia, or in the army and militia, for twenty years.

Militia to be exercised for 28 successive days annually, and amenable to the mutiny laws.

LXVIII. And be it further enacted, That the militia to be appointed as aforesaid shall be trained and exercised by regiment, battalion, or independent company, once in every year for twenty-eight days together, in the manner herein-after directed, at such time and place as shall be least inconvenient to the publick, such time and place to be appointed by a general meeting of the lieutenancy, to be holden as herein-before directed, within every county, riding, and place, or in default of any such meeting being holden, then by the lieutenant of the county, riding, or place, or by three deputy lieutenants, authorised by his Majesty to act when the lieutenant shall be out of *Great Britain* as aforesaid; and during such time as the militia shall be assembled for the purpose of being trained and exercised, all the clauses, provisions, matters, and things contained in any act of parliament, which shall be then in force for the punishing mutiny and desertion, and for the better payment of the army and their quarters, shall be in force with respect to the militia, and all the officers, noncommissioned officers, and private men of the same, in all cases whatsoever, but so that no punishment shall extend to loss of life or limb.

Notice of the time and place of exercise, to be affixed on the church doors.

LXIX. And be it further enacted, That notice of the time and place of exercise of the militia men of each parish, tything, and place, shall be sent, by the clerk of the general meetings, to the chief constables or other officers of the several hundreds, rapes, laths, wapentakes, or other divisions, with directions to forward the same to the constables, tythingmen, headboroughs, or others officers within their respective hundreds, rapes, laths, wapentakes, or other divisions, which constables, tythingmen, headboroughs, or other officers, shall cause such notice as aforesaid to be affixed on the doors of the churches or chapels belonging to their respective parishes, tythings, or places, or (if any place shall have no church or chapel belonging thereto) on the door of the church or chapel of some parish, tything, or place thereunto adjoining; and all such militia men shall duly attend at the time and place of exercise, according to such notice.

Ten days prior to the annual exercise, lists of the men inrolled, to be sent to the respective commanding officers, etc.

LXX. And be it further enacted, That the clerks of the several subdivision meetings, in every county, riding, or place, shall, ten days at least before the time so appointed for the annual exercise, cause a full and true list, specifying the name and date of the inrolment of all the persons inrolled (within each subdivision respectively) to serve in such regiment, battalion, or independent company, to be transmitted to the commanding officer of such regiment, battalion, or independent company, or to such person as shall be appointed by such commanding officer to receive the same; and shall in like manner cause a duplicate

of

of such list to be transmitted to the adjutant of such regiment, battalion, or independent company.

From which lists, two thirds of the complete number shall be chosen by ballot, at the first meeting for exercise.

LXXI. And be it further enacted, That at the first meeting for annual exercise that shall be appointed after the passing of this act, the commanding officer of each regiment, battalion, or independent company, shall, on the first day on which such regiment, battalion, or independent company is directed to assemble as aforesaid, and in the presence of such deputy lieutenants and other officers as shall be then and there assembled, proceed to cause such a number of the persons inrolled to serve in such regiment, battalion, or independent company, to be chosen by ballot out of the list returned for each subdivision, as shall be equal to two thirds of the compleat number that ought to be inrolled on the list of such subdivision. Provided always, That where the number of men that ought to be inrolled for any subdivision, cannot be divided into three equal parts, the two thirds, to be chosen by ballot as aforesaid, shall be computed upon the next highest number that can be divided into three equal parts.

The day after the ballot, the regiment, etc. to be mustered, etc.

LXXII. And be it enacted, That on the day next after such ballot, the commanding officer shall cause the regiment, battalion, or independent company, to be mustered according to the subdivision for which each person shall have been inrolled to serve, and shall cause the roll of each subdivision respectively to be publickly called; and as the name of each person contained therein shall be read, he shall declare whether such person is, or is not (as the case may be) ballotted out of such roll in the manner herein-before provided.

Vacancies by death, etc. to be filled up by ballot at the first meeting.

LXXIII. And be it further enacted, That if any vacancy or vacancies shall happen by the death or discharge of any person or persons so ballotted as aforesaid, or by the expiration of the term for which any person or persons so ballotted as aforesaid shall have been inrolled to serve, the commanding officer of each regiment, battalion, or independent company, shall, at the next meeting to be appointed for annual exercise after such vacancy shall have happened, proceed to ballot in the manner herein-before directed, for such further number as shall be wanting to compleat the full proportion of two thirds of the number, of which such regiment, battalion, or independent company, ought to consist.

The men ballotted to be exercised, and the remainder discharged from attendance.

LXXIV. And be it further enacted, That all and every such person or persons as the commanding officer of such regiment, battalion, or independent company, shall declare to have been so ballotted out of such roll as aforesaid, shall be trained and exercised for the time, and in the manner herein-before directed, during every year for which such person or persons is or are inrolled to serve; and all and every such person or persons as the commanding officer of such regiment, battalion, or independent company, shall declare to have been not so ballotted as aforesaid, shall be discharged from further attendance during the remainder of the term appointed for the annual exercise.

The men so discharged, liable to military law, while they remain where the regiment is assembled;

LXXV. Provided always, and be it enacted, That all and every such person or persons so discharged as aforesaid, shall, during the time he or they shall remain in the town or place where such regiment, battalion, or independent company is assembled, be subject and liable to the same orders, regulations, penalties, and punishments, as the persons so chosen to be trained and exercised as aforesaid are by this act subject, unless such person or persons shall be usually resident, or have his or their place of abode in such town or place.

and to appear on notice, at any subsequent place of exercise.

LXXVI. Provided also, and be it enacted, That all such persons as shall be so discharged as aforesaid shall, and they are hereby required personally to appear at any subsequent time or place of exercise, of which due notice shall be given as required by this act, and shall, on default of such appearance, be subject to the same penalties and punishments as any other person or persons inrolled to serve in such regiment, battalion, or independent company, is or may by this or any other act be subject to

Persons not chosen by ballot, may serve for such as are.

LXXVII. And be it further enacted, That if any inrolled person, not chosen by ballot as aforesaid, shall offer himself as a volunteer to be trained and exercised in the room of any person so chosen by ballot, it shall be lawful for the commanding officer of the regiment, battalion, or independent company, to accept such volunteer in the room of such person so ballotted as aforesaid; and such person so accepted, shall be trained and exercised in the same manner, and under the same regulations, and for the same term, as if he had himself been chosen by ballot as aforesaid.

Authority to magistrates to billet the militia.

LXXVIII. And be it further enacted, That it shall be lawful for all mayors, bailiffs, constables, tythingmen, headboroughs, and other chief magistrates, and officers of cities, towns, parishes, tythings, and places, and (in their default or absence) for any one justice of the peace inhabiting within or near any such city, town, parish, tything, or place (but for no others), and they or he are or is hereby required to quarter and billet the officers, non-commissioned officers, and private men serving in the militia, at the times when they shall be called out to annual exercise, in inns, livery stables, alehouses, victualling houses, and all houses of persons selling brandy, strong waters, cyder, wine, or metheglin by retail, upon application made to any such mayors, bailiffs, constables, tythingmen, headboroughs, or other chief magistrates, or officers, by his Majesty's lieutenant, or by the colonel or commanding officer of the militia of the county, riding, or place, where they shall be so called out to exercise as aforesaid; and when the militia is not embodied, all mayors and other chief magistrates, and officers aforesaid, or (in their default or absence) any one justice of the peace as aforesaid, may, and they or he are or is hereby required to order and provide convenient lodging, in such houses as aforesaid, for the serjeants, corporals, and drummers of the militia.

Militia men falling sick on the march to be relieved,

LXXIX. And be it further enacted, That in case any militia man shall on his march, or at the place where he shall be called

called out to annual exercise, be disabled, by sickness or otherwise, it shall be lawful for any one justice of the peace of the county, riding, or place, or any mayor or chief magistrate of any city, town, or place where such man shall then be, by warrant under his hand and seal, to order him such relief as such justice, mayor, or chief magistrate, shall think reasonable, and the same shall be given by the officers of the parish, tything, or place where such militia man shall then be; and the officers giving such relief shall, upon producing an account of the expences thereof to the treasurer of the county, riding, or place, for which such militia man shall serve (such account being first allowed under the hand of a justice of the peace) be reimbursed such expences by such treasurer, and he shall be allowed the same in his accounts.

and the expence to be repaid by the county treasurer.

LXXX. And be it further enacted, That when the militia shall be called out to be trained and exercised, any justice of the peace of any county, riding, or place, being thereunto required by an order from the lieutenant, or from any deputy lieutenant, of such county, riding, or place, or from the colonel, or other chief commissioned officer of any regiment, battalion, company, or detachment of militia, being within such county, riding, or place, to issue his warrant to the chief constables of hundreds, rapes, laths, wapentakes, or divisions, or to the constables, tythingmen, headboroughs, or other officers of the several parishes, tythings, or places, from, through, near, or to which any such regiment, battalion, company, or detachment of militia shall be ordered to march, requiring them to provide such sufficient carriages to convey the arms, clothes, accoutrements, powder, match, bullets, and other stores, with able men to drive such carriages, as shall be mentioned in the said order; and in case such sufficient carriages and men cannot be provided within any such county, riding, hundred, rape, lath, wapentake, division, parish, tything, or place, then any justice of the peace for any adjoining county, riding, or place, shall, upon such order as aforesaid being shewn unto him, issue his warrant to the chief constables, constables, tythingmen, headboroughs, or other such officers of any hundred, rape, lath, wapentake, division, parish, tything, or place within such adjoining county, riding, or place, for the purposes aforesaid, to make up such deficiency of carriages and men; and such lieutenant, deputy lieutenant, or colonel, or other chief commissioned officer, requiring such carriages and men to be provided as aforesaid, shall, at the same time, pay to every such chief constable, constable, tythingman, headborough, or other officer, for the use of the person or persons who shall provide such carriages and men, the sum of one shilling for every mile any waggon with five horses, and any wain with six oxen, or with four oxen and two horses, shall respectively travel, and the sum of nine-pence for every mile any cart with four horses shall travel, and so in proportion for any carriages drawn by any less number of horses or oxen, for which respective sums every chief constable, constable, tythingman, headborough,

Justices may grant warrants for impressing carriages for the militia on it march.

Rates to be paid for suc carriages,

headborough, or other officer receiving the same, is hereby required to give a receipt to the person paying the same; and every such chief constable, constable, tythingman, headborough, or other officer, shall order and appoint such person or persons having carriages within their respective hundreds, rapes, laths, wapentakes, parishes, tythings, or places, as they shall think proper, to provide and furnish such carriages and men according to the warrant aforesaid, and every person so ordered is hereby required to provide and furnish the same accordingly for one day's journey, and no more; and in case any such chief constables, constables, tythingmen, headboroughs, or other officers, shall be at any charges for such carriages, over and above the money which shall be so received by them as aforesaid, such overplus shall be borne by every county, riding, or place where such additional expence shall be incurred, and be repaid to them, without fee or reward, by the treasurer of every such county, riding, or place, out of the publick stock.

if the expence exceed the rates of carriage, the surplus to be paid by the treasurer of the county, &c.

When the militia is called out to annual exercise, state thereof to be sent to the county lieutenant.

LXXXI. And be it further enacted, That the colonel or other commanding officer of every regiment, battalion, and independent company of militia, shall, and is hereby required, as often as the regiment, battalion, or independent company shall be called out to annual exercise as before directed, to return, to the lieutenant of the county, riding, or place to which the same belongs, a true state of such regiment, battalion, or independent company; and in case any such colonel or commanding officer shall refuse or neglect, for six months after the said annual exercise, so to do, he shall, for every such offence, forfeit and pay the sum of one hundred pounds.

Militia men not appearing at, or absenting themselves during the annual exercise, and not taken up till after the exercise, to forfeit 20l.

LXXXII. And be it further enacted, That every militia man (not labouring under any infirmity incapacitating him) who shall not appear at the time and place appointed for annual exercise, according to the directions of this act (notice having been published as this act requires), shall be deemed a deserter, and if not taken until after the time of such exercise, shall forfeit and pay the sum of twenty pounds, and also every militia man who, having joined the regiment, battalion, or independent company to which he belongs, shall desert or absent himself during the time of annual exercise, and shall not be taken until after the time of such exercise, shall forfeit and pay the sum of twenty pounds; and if such penalty shall not be immediately paid, the justice of the peace before whom any such militia man shall be convicted of any such offence shall commit such militia man to the common gaol, there to remain, without bail or mainprize, for the space of six months, or until he shall have paid the said penalty.

Another man to be balloted for, if a deserter does not return in three months.

LXXXIII. And be it further enacted, That in case any militia man shall desert or absent himself from his duty, and shall not return, or be taken within the space of three months from the time of his so deserting or absenting himself, then upon certificate thereof from the commanding officer of the regiment, battalion, or independent company, to the deputy lieutenants at any

any of their meetings for the subdivision for which such militia man was inrolled, such deputy lieutenants, or any two or more of them, are hereby required to hold a subdivision meeting, and to proceed to ballot for another person to serve and be returned to such regiment, battalion, or independent company, in the room of every such militia man; and in case such militia man shall at any time return or be taken, he shall, notwithstanding any person shall have been chosen in his room, be compelled to serve in the same manner, and for the same term, as if no person had been so chosen in his room.

Deserters liable to serve their term, whenever taken up.

LXXXIV. And be it further enacted, That if any person, being sworn and inrolled to serve as a substitute in the militia, shall afterward desert or absent himself from the regiment, battalion, or independent company to which he belongs, every such person shall be liable to, and shall serve as a militia man, in such regiment, battalion, or independent company, for and during the full term for which he shall have been inrolled, to be computed from the day on which he shall be apprehended, and shall also be subject to such other penalty or punishment as shall be inflicted upon him for such offence by virtue of this act; and the commanding officer of such regiment, battalion, or independent company, shall cause notice to be given to the clerk of the subdivision for which such person was inrolled, of the day on which he was apprehended, and such clerk shall make an entry in the roll of the militia men of the name of such person, and also of the time of his being so apprehended.

Substitutes deserting, liable to serve their full term, whenever taken up.

Notice of apprehending deserters to be sent to the clerk of the subdivision.

LXXXV. And be it further enacted, That all muskets delivered for the service of the militia shall be marked distinctly, in some visible place, with the letter *(M)*, and the name of the county, riding, or place, to which they belong; and in case any militia man shall sell, pawn, or lose any of his arms, clothes, or accoutrements, or neglect or refuse to return the same in good order to his captain, or to the person appointed to receive the same, every such militia man shall, for every such offence, forfeit and pay a sum not exceeding three pounds; and if such militia man shall not immediately pay such penalty, the justice of the peace before whom he shall be convicted shall commit him to the house of correction for any time not exceeding three months, or until he shall have paid the said penalty.

Muskets to be marked.

Penalty on selling arms, &c.

LXXXVI. And be it further enacted, That if any person shall knowingly and willingly buy, take in exchange, conceal, or otherwise receive any arms, clothes, or accoutrements, belonging to any militia man, upon any account or pretence whatsoever, contrary to the true intent and meaning of this act, the person so offending shall forfeit and pay, for every such offence, the sum of five pounds; and if such offender shall not immediately pay such penalty, and shall not have sufficient goods and chattels whereon to levy such penalty, the justice before whom he shall be convicted shall commit him to the common gaol, there to remain, without bail or mainprize, for the space of three

Penalty on buying arms, &c.

months, or shall cause such offender to be publickly whipped, at the discretion of such justice.

Men may be put under stoppages to buy them necessaries, &c.

LXXXVII. And be it further enacted, That when any regiment, battalion, or independent company of militia, shall be assembled for the purpose of being trained and exercised, it shall be lawful for the captain or commanding officer of every company to put the militia men of his company under stoppages, not exceeding sixpence *per* day, for the purpose of providing them with linen, and also with stockings and other necessaries, and for defraying the expence of repairing any arms which shall have been broken or damaged by any such militia man's neglect: provided always, That every such captain or commanding officer shall account with each militia man for such stoppage, and after having deducted what shall have been laid out and paid for necessaries, and for repairing the arms as aforesaid, shall pay the sum remaining (if any there shall be) into the hands of the militia man to whom the same belongs, before such militia man shall be dismissed from such training and exercise.

Adjutants, &c. may be tried by a court-martial for offences committed when the militia is not embodied.

LXXXVIII. And be it further enacted, That every adjutant, serjeant major, serjeant, corporal, drum major, and drummer of the militia, shall be at all times subject to any act which shall be in force for punishing mutiny and desertion, and for the better payment of the army and their quarters, and to the articles of war, under the command of the colonel, or (where there is no colonel) the commanding officer of the regiment, battalion, or independent company to which he belongs; and it shall be lawful for the colonel, or (where there is no colonel) the commanding officer of any regiment or battalion of militia, to direct the holding of courts-martial whenever such regiment or battalion shall be embodied for the purpose of annual exercise, for the trial of any serjeant major, serjeant, corporal, drum major, or drummer of such regiment or battalion, for any offence committed during the time such regiment or battalion was not embodied, but so that no punishment shall extend to the loss of life or limb.

Serjeants and corporals may be reduced to serve as privates.

LXXXIX. And be it further enacted, That any serjeant or corporal of the militia may, by sentence of a court-martial, be reduced to the condition of a private soldier of the militia, to serve as such during any time not exceeding fifteen months; after which time, if not regularly re-appointed to the rank of a non-commissioned officer, he shall be discharged from the service.

Arms, when not wanted, to be kept in a place to be appointed by the commanding officer.

XC. And be it further enacted, That the arms belonging to every regiment, battalion, and independent company, when not embodied, shall be kept in such convenient place as the colonel, or (where there is no colonel) as the commanding officer shall direct, with the approbation of the lieutenant of the county, riding, or place.

XCI. And be it further enacted, That one third part at the least

least in number of the serjeants, corporals, and drummers, in every regiment, battalion, and independent company, shall constantly be resident within the city, town, or place where the arms belonging to such regiment, battalion, or independent company, are kept, and shall be under the command of the adjutant, who shall act in such command under the orders of the colonel, or (where there is no colonel) of the commanding officer of such regiment, battalion, or independent company; and that the adjutant, and in the absence of the adjutant the serjeant major, shall make a monthly return of the true state of the serjeants, corporals, and drummers of the regiment, battalion, or company, severally, to the lieutenant of the county, and the commanding officer of the said regiment, battalion, or company, in default of which, on each such neglect, such adjutant or serjeant major shall be subject to such punishment as a court-martial shall adjudge; and that no serjeant, corporal, or drummer, shall be absent from such city, town, or place, without a regular furlough from his colonel, or (where there is no colonel) from the commanding officer; and every serjeant, corporal, and drummer, who shall absent himself without such furlough, shall be liable to be apprehended as a deserter; and such adjutant shall never absent himself from such city, town, or place, without leave of the colonel, or (where there is no colonel) of the commanding officer of such regiment, battalion, or independent company: provided nevertheless, That whenever such adjutant shall be absent, with such leave as aforesaid, then such serjeants, corporals, and drummers, shall be under the command of the serjeant major, or of some serjeant, who shall be appointed by the said adjutant, with the approbation of the said colonel, or (where there is no colonel) the commanding officer, to act as serjeant major during the absence of such adjutant.

One third part of the serjeants, etc. to reside where the arms are kept.

Monthly returns of the serjeants, etc. to be sent to the county lieutenant.

Serjeants, etc. absenting themselves without furloughs to be deemed deserters.

Adjutant not to be absent without leave.

Serjeant major to act as adjutant in his absence.

XCII. And be it further enacted, That if any militia man shall not join the regiment or battalion to which he belongs at the time of annual exercise, or shall desert during the time of annual exercise, and shall not be apprehended before the expiration of the time appointed for such exercise, and if the commanding officer or the adjutant of such regiment or battalion, or the commanding officer of the company of such regiment or battalion, to which such offender belongs, shall receive information of the place where he shall be or reside, any such commanding officer or adjutant may, by writing under his hand, describe the person of such offender, and also certify that he did not join the regiment or battalion at the time of annual exercise, or that he deserted during the time of annual exercise (as the case may be), and send the same, by a serjeant, corporal, or drummer of such regiment or battalion, to the adjutant or serjeant major of the regiment or battalion of the county, riding, or place, wherein such offender is supposed to be or reside; and the adjutant or serjeant major to whom such certificate shall be sent, shall direct a party of the serjeants, corporals, or drummers of the regiment or battalion to which he belongs, to assist in apprehending such offender,

Method of proceeding when information is received of the residence of a militia man, not joining at the annual exercise, etc.

offender, and in conveying him before some justice of the peace of the county, riding, or place wherein such offender shall be apprehended; and if, by his confession, or the testimony of any witness or witnesses upon oath, or the knowledge of such justices it shalt appear or be found that such person is guilty of such offence, such adjutant or serjeant major shall order a party of the serjeants, corporals, or drummers under his command, to convey such offender to the head quarters of the regiment or battalion of militia of the next county, riding, or place, in the way to the county, riding, or place to which such offender belongs, and deliver him into the custody of the adjutant or serjeant major of such regiment or battalion, who shall cause him to be conveyed in like manner to the adjutant or serjeant major of the regiment or battalion of the next county, riding, or place, and so in like manner, until such offender shall be delivered into the custody of the adjutant or serjeant major of the regiment or battalion to which he belongs, who shall take him before a justice of the peace, to be dealt with as this act directs in cases of militia men deserting or absenting themselves from their duty; and from the time of his being so apprehended as aforesaid, until he is brought before such justice of the peace as aforesaid, such offender shall be subsisted at the rate of sixpence *per* day, from the stocks of the county, riding, or place to which such regiment, battalion, or company belongs, for which subsistence such justice is hereby required to make an order upon the treasurer of the county, riding, or place: and if any serjeant, corporal, or drummer, shall desert from the regiment or battalion to which he belongs, it shall be lawful for any headborough, constable, or other officer, of the town or place where any person who may be reasonably suspected to be such deserter shall be found, to cause such person to be apprehended, and taken before any justice of the peace living in or near to such town or place, who is hereby impowered to examine such suspected person; and if, by his confession, or the testimony of any witness or witnesses upon oath, or by the knowledge of such justice, it shall appear or be found that such suspected person is such deserter, such justice shall forthwith cause him to be conveyed to the common gaol of the county or place where he shall be found, or the house of correction, or other publick prison, in the town or place in or near to which such deserter shall be apprehended, there to remain until he shall be demanded by some person or persons authorised to receive him as herein-after directed, and shall transmit an account thereof to the clerk of the general meetings of the county, riding, or place, to which such deserter belongs; and the keeper of such gaol, house of correction, or prison, shall receive the full subsistence of such deserter, for his maintenance, during the time he shall continue in his custody, but shall not be intitled to any fee or reward on account of his imprisonment; and such clerk of the general meetings receiving such account shall immediately transmit a copy thereof to the colonel or commanding officer of the regiment or battalion of his

Method of proceeding when serjeants, &c. desert.

his county or riding, and also to the adjutant, or other officer commanding the serjeants, corporals, and drummers, of such regiment or battalion, and where there are more than one regiment or battalion, such clerk shall send such copy to all the colonels or other commanding officers of regiments and battalions, and also to all the adjutants, or officers commanding serjeants, corporals, and drummers, within his county or riding; and the colonel, or commanding officer of the regiment or battalion to which such deserter shall be found to belong, or the adjutant, or officer commanding the serjeants, corporals, and drummers of such regiment or battalion, shall, and he is hereby required, immediately on receiving such copy as aforesaid, to send any serjeant, corporal, or drummer, or any party of the serjeants, corporals, or drummers of his regiment or battalion, to the place where such deserter shall be so confined, and shall also send, by such serjeant, corporal, or drummer, or the serjeant commanding such party of serjeants, corporals, or drummers, an order, under his hand and seal, to the keeper of the said gaol, house of correction, or prison, requiring him to deliver such deserter to the person or persons therein named, which he is hereby required to do; and the serjeant, corporal, or drummer, to whom such deserter shall be so ordered to be delivered, in case one only shall be sent on such duty, shall apply to the adjutant or serjeant major of the regiment or battalion of the county, riding, or place, where such deserter shall be so confined as aforesaid, and such adjutant or serjeant major shall order a sufficient party of the serjeants, corporals, or drummers, under his command, to assist in conveying such deserter, and he shall be conveyed to the adjutant or serjeant major of the regiment or battalion to which he belongs, in the same manner as before directed with respect to the conveying of private militia men to the adjutant or serjeant major of the regiment or battalion to which they belong; and such adjutant or serjeant major shall take such deserter before a justice of the peace of the county, riding, or place to which he belongs, who shall forthwith cause him to be conveyed to the common gaol, house of correction, or other publick prison of such county, riding, or place, where he shall remain, without bail or mainprize, until the regiment or battalion to which he belongs shall be embodied for annual exercise or for actual service, (which shall first happen); and the colonel or commanding officer of such regiment or battalion shall then issue an order, under his hand and seal, to the keeper of the gaol, house of correction, or prison, where such deserter shall be confined, requiring him to deliver such deserter to the person or persons therein named, which he is hereby required to do; and such colonel or commanding officer is hereby impowered and required to summon and hold a court-martial for the trial of such deserter, in such manner, and with the same power and authority, as shall be given and directed by any act of parliament which shall be then in force for punishing mutiny and desertion, and for the better payment of the army and their quarters; and if upon any such

Deserters may be tried by a court martial, etc.

such trial such deserter shall be found guilty, it shall be lawful to punish such deserter in such manner as such court martial shall, in their discretion, think fit, according to the powers and provisions of such act, and of the articles of war, but so that no such punishment shall extend to the loss of life or limb; and all gaolers and keepers of prisons shall (if required so to do by any serjeant, corporal, or drummer, employed in conveying any such militia man, or serjeant, corporal, or drummer, so offending, to the regiment or battalion to which he belongs as aforesaid) receive into their custody, and confine such offender for such time as they shall be respectively so required as aforesaid, not exceeding twenty four hours; and every such gaoler or keeper of any prison, who shall refuse so to do, shall forfeit the sum of twenty shillings; and all such serjeants, corporals, and drummers, while they are employed in executing such duty as aforesaid, shall be billetted in like manner as serjeants, corporals, or drummers belonging to his Majesty's other forces, employed in apprehending and conveying deserters, are to be billetted.

Gaolers refusing to receive deserters, to forfeit 20s.

Serjeants employed in apprehending, etc. deserters, to be billetted.

XCIII. And be it further enacted, That the justice of the peace, before whom any deserter shall be convicted, shall and may issue his warrant to the clerk of the regiment or battalion to which such deserter shall belong, or (where there is no clerk) to the commanding officer, requiring such clerk, or such commanding officer, to pay, out of the stock of such regiment or battalion, the sum of twenty shillings to the person who shall have apprehended such deserter; and such clerk or commanding officer is hereby authorised and required to pay the same accordingly upon demand.

Persons apprehending deserters to be paid 20s.

XCIV. And be it further enacted, That if any person shall harbour, conceal, or assist any deserter, knowing him to be such, the person so offending shall forfeit, for every such offence, the sum of five pounds.

Persons concealing, etc. deserters, forfeit 5l.

XCV. And be it further enacted, That in all cases of actual invasion, or upon imminent danger thereof, and in all cases of rebellion or insurrection, it shall be lawful for his Majesty (the occasion being first communicated to parliament, if the parliament shall be then sitting, or declared in council, and notified by proclamation, if no parliament shall be then sitting or in being) to order and direct the lieutenants of the said several counties, ridings, and places, or on the death or removal, or in the absence from their respective counties, ridings, or places, of any of them, then any three or more deputy lieutenants, with all convenient speed, to draw out and embody all the regiments, battalions, and independent companies of militia within their respective counties, ridings, and places, herein-before appointed to be raised and trained, or so many of them as his Majesty shall in his wisdom judge necessary, and in such manner as shall be best adapted to the circumstances of the danger, and to put the said forces under the command of such general officers as his Majesty shall be pleased to appoint, and to direct the said forces to be led by their respective officers into any parts of this kingdom,

His Majesty may order the militia to be embodied in cases of invasion, etc. and commanded by general officers, &c.

dom, for the repelling and prevention of any such invasion, and for the suppression of any rebellion or insurrection within this realm of *Great Britain*; and the officers, non-commissioned officers, drummers, and private men of the several regiments, battalions, and independent companies of the militia, shall from the time of their being drawn out and embodied as aforesaid, and until they shall be returned again, by his Majesty's orders, to their respective parishes or places of abode, remain under the command of such general officers, and during such time as aforesaid all the provisions contained in any act of parliament which shall be then in force for punishing mutiny and desertion, and for the better payment of the army and their quarters, shall be in force with respect to the militia, and shall extend to all the officers, non-commissioned officers, drummers, and private men of the militia, in all cases whatsoever.

While embodied to be subject to the articles of war, etc.

XCVI. Provided always, and be it further enacted, That neither the whole, or any part of the militia directed by this act to be raised and maintained, shall on any account be carried, or ordered to go out of *Great Britain*.

Not to be ordered out of Great Britain.

XCVII. And be it further enacted, That whenever his Majesty shall cause the militia to be drawn out and embodied as aforesaid, if the parliament shall then be separated by such adjournment or prorogation as will not expire within fourteen days, his Majesty may and shall issue a proclamation for the meeting of the parliament within fourteen days, and the parliament shall accordingly meet and sit upon such day as shall be appointed by such proclamation, and continue to sit and act, in like manner, to all intents and purposes, as if it had stood adjourned or prorogued to the same day.

When the militia is called out, his Majesty may issue a proclamation, for the meeting of parliament in 14 days.

XCVIII. And be it further enacted, That the lieutenant of every county, riding, and place, or (on the death or removal of any such lieutenant, or in his absence from his county, riding, or place) any three or more deputy lieutenants, to whom any such order as aforesaid from his Majesty shall be directed, shall issue his or their order to the chief constables, or other officers, of the several hundreds, rapes, laths, wapentakes, or other divisions, within their respective counties, ridings, and places, with directions to forward the same immediately to the constables, tythingmen, headboroughs, or other officers, of the several parishes, tythings, and places, within their respective hundreds, rapes, laths, wapentakes, and divisions, and such constables, tythingmen, headboroughs, or other officers, are hereby required, upon receipt thereof, forthwith to cause notice in writing to be given to the several militia men, or left at their usual places of abode, within their respective parishes, tythings, or places, to attend at the time and place mentioned in such order; and if any militia man so ordered to be drawn out and embodied as aforesaid (not labouring under any infirmity incapacitating him to serve as a militia man) shall not appear and march in pursuance of such order, every such militia man shall be liable to be apprehended, and punished as a deserter, according

When the militia is ordered to be called out, the county lieutenant, etc. to issue orders accordingly.

cording to the provisions of any act which shall be then in force for punishing mutiny and desertion, and for the better payment of the army and their quarters; and if any person shall harbour or conceal any militia man when ordered out into actual service, knowing him to be a militia man, every such person shall, for every such offence, forfeit and pay the sum of five pounds.

Militia officers not to sit on the trial of officers of the other forces.

XCIX. And be it further enacted, That no officer serving in the militia shall sit in any court martial, upon the trial of any officer or soldier serving in any of his Majesty's other forces; nor shall any officer serving in any of his Majesty's other forces sit in any court martial, upon the trial of any officer or private man serving in the militia.

An agent may be appointed by the colonel, from whom he is to take security.

C. And be it further enacted, That when any regiment, battalion, or independent company of militia shall be drawn out into actual service, and during the time they shall continue in actual service, the colonel, or (where there is no colonel) the commanding officer thereof, shall and may appoint an agent to such regiment, battalion, or independent company, and shall take security from such agent; and such colonel, or (where there is no colonel) the commanding officer, shall be and is hereby made subject and liable to make good all deficiencies that may happen, from the said agent or from himself, upon account of the pay, clothing, or publick stock of such regiment, battalion, or independent company.

When the militia is ordered out, the receiver general of the land tax to pay one guinea for the use of each man.

CI. And be it further enacted, That when the militia of any county, riding, or place shall be ordered out into actual service, the receiver general of the land tax for such county, riding, or place shall and is hereby required forthwith to pay, to the captain or other commanding officer of every company of militia so ordered out, the sum of one guinea, for the use of every private militia man belonging to his company; and the said receiver general shall also pay to every captain or other commanding officer of a company as aforesaid the sum of one guinea for every recruit, as early as may be after such recruit shall have joined his company, while out in actual service as aforesaid (all which money so paid by the said receiver general, shall be allowed him in his account), and the money so received by any captain or other commanding officer (or so much thereof as such captain or commanding officer shall think proper, shall be laid out in the manner he shall think most advantageous for the respective militia men; and such captain or commanding officer shall, before any militia man of his company receives his discharge, account to such militia man how the said sum of one guinea hath been applied and disposed of, and shall pay the remainder of the money (if any) to the said militia man.

Captains to account with the men for the same.

Bounties to be paid when the terms of service are prolonged.

CII. Provided always, and be it further enacted, That in case the term of service of any person so balloted and inrolled for any regiment of militia shall be prolonged, as aforesaid, beyond the term of five years, then and in such case the receiver general of the land tax for the county, riding, or place, to which such militia man shall belong, shall, and he is hereby required forthwith to pay to the captain, or other commanding officer of each

each company respectively, the sum of one guinea for every person whose term of service shall be so prolonged; and in case such term shall be prolonged for more than three years, then at the expiration of three years he shall pay the like further sum of one guinea for every person whose term shall be so further prolonged; and shall in like manner, at the expiration of every additional term of three years, pay the like further sum of one guinea (all which money so paid by the receiver general shall be allowed him in his account); and the money so received by any captain or commanding officer (or so much thereof as such captain or commanding officer shall think proper) shall be laid out in the manner he shall think most advantageous for each respective militia man; and such captain or commanding officer shall, from time to time, account to such militia man how the said sum or sums have been applied and disposed of, and shall, before any such militia man receives his discharge, pay over to him the remainder of the said money, if any, which shall not have been so applied, disposed of, and accounted for.

Militia embodied, entitled to the same pay as the other forces.

CIII. And be it further enacted, That, from the date of his Majesty's warrant for drawing the militia out into actual service, the officers and private men of the militia shall be entitled to the same pay, as the officers and private men of his Majesty's other regiments of foot receive, and no other; and if any non-commissioned officer or private man of the militia shall be maimed or wounded in actual service, he shall be equally entitled to the benefit of *Chelsea Hospital* with any non-commissioned officer or private man belonging to any of his Majesty's other forces.

Non-commissioned officers, etc. maimed in service, entitled to the benefit of Chelsea Hospital.

Militia, when disembodied, to be liable only to the orders they were before drawn out.

CIV. And be it further enacted, That when the militia, or any part thereof, having been so drawn out into actual service as aforesaid, shall be again duly disembodied, and the officers and private men thereof dismissed to return to their several places of abode, the officers, non-commissioned officers, drummers, and private men, shall be subject to the same orders, directions, and engagements only as they were subject to under the provisions of this act before they were so drawn out into actual service as aforesaid.

The powers, etc. given to Northumberland, to extend to Berwick upon Tweed, etc. and their militia to join that of Northumberland.

CV. And be it further enacted, That all the powers given, and provisions made by this act, with respect to the county of *Northumberland*, and the militia thereof, shall extend to the town of *Berwick upon Tweed*, and the liberties thereof (except only in such cases where by this act it is otherwise expressly provided for); and that out of the persons returned in the lists for the said town of *Berwick upon Tweed*, a number of private militia men shall be chosen by ballot to serve for the said town, in the same proportion with the private militia men appointed to serve for the other hundreds, wards, and other divisions within the said county of *Northumberland*; and if persons can be found within the said town and liberties thereof, with such qualifications as are required for deputy lieutenants and officers, within cities and towns which are counties of themselves, the chief magistrate of the said town of *Berwick upon Tweed* shall appoint five deputy lieutenants, and such number of officers of the militia, as

as shall be proportional to the number of militia men which the said town shall raise as their quota, towards the militia of the county of *Northumberland*; and the lieutenant of the said county, and deputy lieutenants, and all other officers and persons acting in the execution of this act, for raising and training the militia within the said county, are hereby authorised and required to put this act into execution within the said town, and the liberties thereof, but subject nevertheless to such penalties as are inflicted upon deputy lieutenants and other officers of the militia for acting not being duly qualified; and that the militia men to be chosen for the said town shall join the militia of the county of *Northumberland*, and be exercised together, and shall then, and also in time of actual service, be deemed part of the militia of the county of *Northumberland*.

Governor of the Isle of Wight to appoint the officers, etc. for that militia, etc. who are to be qualified like those for Wales.

CVI. *And whereas the ordering the militia in the* Isle of Wight *has always been in the governor or lieutenant governor of the said island*, be it enacted, That after the number of persons which the said island is to furnish to the militia of the county of *Southampton* shall have been appointed, as by this act is directed, by his Majesty's lieutenant and the deputy lieutenants, or by the deputy lieutenants of the said county at large, the governor of the said island shall appoint the officers of the militia to be raised in the said island, and shall and is hereby impowered and required to act in the execution of this act, in the same manner as his Majesty's lieutenants of counties are hereby impowered and required to act, and shall appoint five or more deputies to act with him in and for the said island; which deputies and officers of the militia shall be qualified in the same manner, and are hereby empowered and required to act in the execution of this act in the same manner, and under the same directions, provisions, and penalties, as deputy lieutenants and officers of the militia, in the several counties within the dominion of *Wales*, are by this act subject to; and the militia of the said island shall be raised in the same manner as the militia of the county of *Southampton*, and shall be deemed a part of the militia of the said county; and after the same shall be so raised, the said governor, lieutenant governor, and deputies, shall order and direct the training and exercising the said militia within the said island, in the same manner as his Majesty's lieutenants and the deputy lieutenants are by this act authorised and directed to do in any county within that part of *Great Britain* called *England*; and the militia so raised within the said island shall be continued and remain within the said island as an internal defence thereof, unless his Majesty shall otherwise order and direct.

To be raised as, and deemed a part of, the Southampton militia;

to continue in the island, unless otherwise ordered by his Majesty.

Craike to be deemed part of the North riding of Yorkshire; Maker of Cornwall;

CVII. And be it further enacted, That for the several purposes of this act, the constablery of *Craike*, which is a parcel of the county of *Durham*, surrounded by part of the north riding of the county of *York*, shall be deemed to be situate within, and part of the said north riding; and that that part of the parish of *Maker*, which lies in the county of *Cornwall*, shall be deemed to be situate within and part of the county of *Cornwall*; and that

that the town and parish of *Wokingham* shall be deemed to be situate within, and part of the county of *Berks*; and that the township of *Filey* shall be deemed to be situate within and part of the east riding of the county of *York*; and that *Threapwood* shall be deemed to be situate within, and part of the parish of *Worthenbury*, in the county of *Flint*; and that the parish of *Saint Martin*, called *Stamford Baron*, in the suburbs of the borough and town of *Stamford*, on the south side of the waters called *Welland*, shall be deemed to be situate within, and part of the county of *Lincoln*.

Wokingham of Berks; Filey of the East riding of Yorkshire; Threapwood of Flint; and Stamford Baron of Lincolnshire;

CVIII. And be it further enacted, That the several towns and places herein-before mentioned, and deemed to be situate within, and part of the several counties, ridings, and places aforesaid, for the purposes of this act, shall be subject to the jurisdiction and authority of the lieutenants, deputy lieutenants, justices of the peace, and other officers of the respective counties, ridings, and places, within which such towns and places are hereby deemed to be situate; any law, usage, or custom to the contrary notwithstanding.

and to be subject to the authority of the lieutenants, etc. of those counties.

CIX. Provided always, and be it further enacted, That nothing in this act contained shall extend to the tinners in the counties of *Devon* and *Cornwall*; but that the warden of the stannaries, in pursuance of his Majesty's commission in that behalf, and such as he shall commissionate and authorise under him, shall have and use the like powers, and array, assess, arm, muster, and exercise the said tinners within the said counties, or either of them, as hath been heretofore used, and according to the ancient privileges and customs of the said stannaries.

Warden of the stannaries to continue to array, etc. the tinners of Devon and Cornwall.

CX. And be it further enacted, That the several lieutenants who are or shall be commissioned for the militia of the city of *London*, shall continue to list and levy the train bands and auxiliaries of the said city, in manner as heretofore.

The lieutenants for London to continue to list the train bands.

CXI. *And whereas the militia of the* Tower *division, in the county of* Middlesex, *commonly known by the name of* The Tower Hamlets, *is, and always has been, under the command of his Majesty's constable of the* Tower, *or lieutenant of the* Tower Hamlets, *for the service and preservation of that royal fort*; be it therefore enacted, That it shall be lawful for the said constable or lieutenant, from time to time, to appoint his deputy lieutenants, and to give commissions to a proper number of officers to train and discipline the militia, to be raised within and for the said division or hamlets, pursuant to an act of the thirteenth and fourteenth years of the reign of King *Charles* the Second, intituled, *An act for ordering the forces in the several counties of this kingdom*, and to form the same into two regiments, of eight companies each, in such manner as the said constable or lieutenant hath used to do; and for defraying the necessary charges of trophies, and other incident expences of the militia of the same division or hamlets, it shall be lawful for the said constable or lieutenant to continue to raise, in every year, the proportion of a fourth part of one month's assessment of trophy money within the said division

The constable of the tower to appoint deputy lieutenants, etc. for the Tower Hamlets, according to act 13 and 14 Car. 2. c. 3.

viſion or hamlets, in ſuch manner as he hath uſed to do, by virtue and in purſuance of the ſaid act of the thirteenth and fourteenth years of the reign of King *Charles* the Second.

Deputy lieutenants to act when the lieutenant of the hamlets is out of the kingdom.

CXII. And be it further enacted, That when and ſo often as the lieutenant of the ſaid *Tower Hamlets* ſhall be out of the kingdom, it ſhall and may be lawful to and for the deputy lieutenants of the ſaid hamlets for the time being, or the major part of them, aſſembled at a publick meeting to be called for that purpoſe, to do all acts, matters, and things, relating to the ſaid militia, of the ſaid hamlets, which might lawfully have been done by the ſaid lieutenant, and the ſame ſhall be good and valid in law, as if done by the ſaid lieutenant; and that no commiſſion, warrant, or appointment, granted or made to any deputy lieutenant, or other perſon, of, for, or concerning the militia of the ſaid *Tower Hamlets*, ſhall be vacated or become void by reaſon of the death or removal of ſuch lieutenant of the ſaid *Tower Hamlets*.

Commiſſions not to be vacated by death of the lieutenant.

Conſtable to appoint a treaſurer of the trophy money, who is to account for the ſame yearly, etc. No trophy money for a ſucceeding year to be levied, till the account of the former year has been allowed.

CXIII. And be it further enacted, That the ſaid conſtable of the *Tower*, or lieutenant of the *Tower Hamlets*, ſhall appoint a treaſurer of the ſaid trophy money, for receiving and paying ſuch monies as ſhall be levied by virtue of the ſaid act of the thirteenth and fourteenth years of the reign of King *Charles* the Second; which ſaid treaſurer ſhall yearly account, in writing, and upon oath, for the ſame to the ſaid conſtable or lieutenant, or his deputy lieutenants, or any three or more of them, and which accounts for the ſame ſhall be certified to the juſtices of the peace for the ſaid diviſion or hamlets, at their next general or quarter ſeſſions; and that the ſaid conſtable or lieutenant ſhall not iſſue out warrants for raiſing any trophy money, until the juſtices of the peace, or the major part of them, at ſuch ſeſſions, ſhall have examined, ſtated, and allowed the accounts of the trophy money raiſed, levied, and collected for the preceding year, and certified the ſame under the hands and ſeals of four or more of ſuch juſtices, unleſs in caſes where it ſhall appear to ſuch juſtices that, by reaſon of the death of ſuch treaſurer, or otherwiſe, ſuch accounts cannot be paſſed.

Warden of the cinque ports, etc. may act as lieutenants, etc. of counties may do. Militia of the ports to remain ſeparate from the militia of the counties, and may be called out notwithſtanding the day advanced may not have been reimburſed, etc.

CXIV. And be it further enacted, That the warden of the cinque ports, two ancient towns, and their members, and in his abſence his lieutenant or lieutenants, ſhall put in execution, within the ſaid ports, towns, and members, all the powers and authorities given and granted by this act, in like manner as lieutenants of counties, and their deputy lieutenants, may do, and ſhall keep up and continue the uſual number of ſoldiers in the ſaid ports, towns, and members, unleſs he or they find cauſe to leſſen the ſame; and the militia of the ſaid ports, towns, and members, ſhall remain ſeparate from the militia of the ſeveral counties within which the ſaid ports, towns, and members are ſituate; and it ſhall be lawful for the ſaid warden, or his lieutenant or lieutenants, in purſuance of orders from his Majeſty, in the manner preſcribed by the ſaid act of the thirteenth and fourteenth years of King *Charles* the Second, notwithſtanding

withstanding one or more months pay advanced be not reimbursed, to raise and draw out the soldiers into actual service, and to cause the persons charged as by the said act, to provide their soldiers with pay in hand, not exceeding one month's pay, in such manner as if all the pay advanced and provided had been reimbursed, and to use the like powers, and to array, assess, and arm, muster, and exercise, the said soldiers, and to make assessments, and issue warrants for the assessments made, or to be made, for raising any trophy money, and for defraying the necessary charges of trophies, and other incident expences of the militia of the said ports, towns, and members, as hath been heretofore used, and according to their ancient privileges and customs, any thing in the said act, or this act, to the contrary notwithstanding.

CXV. *And whereas, for the different rapes in the counties of* Sussex *and* East Kent, *there are no peace officers who can act officially for such rapes: and whereas the rapes in the said counties are the most convenient districts to be appointed as the subdivisions for the deputy lieutenants to execute the several purposes directed by this act, and do contain within their boundaries several hundreds, to each of which there is a peace officer belonging: and whereas the boroughs and tythings over which there are headboroughs, tythingmen, or other peace officers, are uncertain in their boundaries, and often include parts of various parishes, from which great inconveniences arise, both in ballotting for the men to be drawn by lot for the service of the said militia, and also in the payment of the money directed to be paid by the parishes to those who may be allotted to serve: and whereas it would be more expedient that the ballotting for men to serve in the said militia for the counties of* Sussex *and* Kent *should be by the division of parishes, to which division there are no peace officers:* be it therefore enacted by the authority aforesaid, That from and after the last *Tuesday* in *October* next, his said Majesty's lieutenant, or on his death or removal, or on his absence, any three or more deputy lieutenants of the counties of *Sussex* and *Kent* respectively, shall and may issue out his or their orders to the chief constable of the several hundreds, in the rapes in the said counties where their subdivisions may have been or may be appointed, directing such chief constables to issue their precepts to the churchwardens or overseers of the poor of each parish within their respective hundreds or other divisions, to return to the deputy lieutenants within their respective subdivisions, at the place and on the days by them directed, fair and true lists, in writing, of the names of all the men usually dwelling within their respective parishes, between the ages of eighteen and forty-five, distinguishing their respective ranks and occupations, and for such several other purposes as are by this act directed to be done and performed by the constables, tythingmen, headborough, or other officer of each parish, tything, or place, within their respective hundreds or other divisions; and that the churchwardens and overseers of the poor of the several parishes in the said counties to whom such orders shall be issued, shall,

Churchwardens and overseers in Kent and Sussex, to make returns of men liable to serve, &c. and to have the authority hereby granted to constables in other places, &c.

for the purposes of this act, be deemed the officers of such parish, and shall be invested with all the powers and authorities, and be liable to the several pains, penalties, and forfeitures, as the constable, tythingman, headborough, or other officer of any parish, tything, or place, are subject and liable to, for or upon account of his refusing or neglecting to return such lists as aforesaid, or being guilty of fraud or wilful partiality, in making thereof, or not attending the orders issued by his Majesty's lieutenant, or any three deputy lieutenants, respectively, or for the several other offences in the said recited act, or in the present act contained.

Certified returns of the militia to be annually sent to the clerks of the peace to be filed.

CXVI. *And whereas it may happen, through neglect or otherwise, that in some county or place the militia may not be raised, according to the directions of this act; and it is just and reasonable that all his Majesty's subjects should contribute equally toward the expence of raising and supporting a militia for the defence of the kingdom*; be it therefore further enacted, That the lieutenant, or any three deputy lieutenants, of every county, riding, and place, where the militia shall be raised, according to the directions of this act, shall, on or before the twenty-fifth day of *December*, in every year, transmit a certificate to the clerk of the peace, containing an account of the names, number, and rank of the officers, and the number of private men of the militia, in that year, and the time during which such militia hath been trained and exercised; and every such clerk of the peace shall deliver such certificate to the justices of the peace, at their general quarter session to be held next after the twenty-fifth day of *December*, in every year, on the day on which such session shall be opened, and the same shall be filed amongst the records of such session; but where no such certificate shall be received by the clerk of the peace as aforesaid, he shall certify the same under his hand and seal to the justices so assembled, and such certificate of the said clerk of the peace shall be filed by him amongst the records of such session.

Where no such return is received, the same is to be certified by the clerk of the peace.

5l. per man for the number to be raised, to be assessed annually on places from whence no such returns are sent.

CXVII. And be it further enacted, That in every county and place where no such certificate shall be transmitted to the clerk of the peace as aforesaid, the sum of five pounds shall be annually paid for and in lieu of every private militia man by this act directed to be raised within the same county or place; and the justices of the peace shall and are hereby required, at their said general quarter session, to rate and assess the sum of five pounds *per* man as aforesaid upon every such county or place, in such manner, and according to such and the same proportions, upon every town, parish, and division within such county or place, and the same shall be levied, collected, received, paid, and accounted for in such manner, and by such ways and means, and with such powers of distress, and other remedies for enforcing the collection and payment thereof, and for punishing all persons whose duty it shall be to collect or account for the same, who shall make default therein, as are directed with respect to county rates by an act made

made in the twelfth year of the reign of his late Majesty, intituled, *An act for the easy assessing, collecting, and levying of county rates*, or by any other act or acts of parliament: provided always, That no person residing or having an estate within any such county or place, who shall have served as an officer in any body of militia raised within this kingdom for the space of four years, or who shall be then actually serving as an officer in the militia, shall be liable to pay any part or share of such rate or assessment to be made as aforesaid, provided such person shall have delivered a certificate of such service to the clerk of the peace for the county or place wherein he shall claim such exemption, and also a roll or list of his tenants, and the places of their abode; which certificate, and roll or list, shall be signed by such person, and every such clerk of the peace shall forthwith file such certificate, roll, and list, amongst the records of the quarter session; and whenever the said rate or assessment shall be ordered to be raised within such county or place, such clerk of the peace shall certify to the high constables of every such county or place the names of all persons whose certificate shall have been so filed, and who shall have claimed such exemption as aforesaid, and the names of their tenants, so inserted in such roll or list, and such high constables are hereby required to transmit such certificate, and roll or list, to the petty constable of every township or place wherein the lands, tenements, or hereditaments of such person claiming to be exempted are situate, in order that the same may not be assessed or charged to such rate or assessment.

No person who has served four years as an officer, to bear any part of the said assessment.

CXVIII. And be it further enacted, That in all cases where a certain number of militia men are directed to be raised for any county, together with any city or town being a county of itself, and the militia shall not be raised for such county and city, or town, the payment of the said sum of five pounds *per* man upon the whole number of militia men so directed to be raised as aforesaid shall be divided and apportioned between such county, and such city or town, in such proportion as the respective quotas paid to the land tax for such county, and city or town, respectively bear to each other, unless the apportionment of the number of such militia men shall actually have been made in pursuance of the lists directed to be returned by this act, in which case the said sum of five pounds *per* man shall be borne by such county, and by such city or town, in such proportions as the respective numbers of militia men, so apportioned to be raised by such county, and by such city or town, bear to each other.

How the assessment shall be apportioned between counties, and cities being counties of themselves.

CXIX. *And whereas there are several cities, towns, and places, which do not contribute to the payment of the said rate called* The County Rate; *and doubts may arise whether such cities, towns, and places can be legally rated or assessed towards the payment of the rate or assessment to be laid in pursuance of this act*; be it therefore enacted, That in all cases where the militia shall not be raised within any city, town, or place, not rated to the county rate, the

Where there are no county rates, the as-

Assessment to be raised as the poor's rates are.

the proportion of the said sum of five pounds *per* man, to be borne by such city, town, or place, shall be raised, levied, and collected within such city, town, or place, by a separate rate or assessment, in like manner, by the churchwardens and overseers of the poor, and by such and the like ways and means as the rates for the relief of the poor can or may be raised, levied, and collected, and such churchwardens and overseers of the poor shall, from time to time, pay over the same to the treasurer of the county with which such city, town or place shall be joined or united for the purpose of raising the militia.

Where a town lies in two counties, the money assessed to be paid to the treasurer of the county wherein the church stands.

CXX. *And whereas there are some towns which lie in two counties; and doubts may arise whether such towns are obliged to pay to both counties towards raising the said money*; be it therefore further enacted, That where any town lies in two counties, the proportion of the said money to be paid for such town, in lieu of raising the militia as aforesaid, shall be paid to the treasurer of the county wherein the church of such town is situate.

If the assessment for a place where there are no county rates be not paid, it may be levied by the justices.

CXXI. And be it further enacted, That if any sum of money which ought to be paid by any city, town, or place, not rated to the county rate as aforesaid, shall not be paid to the treasurer of the county or place as aforesaid, before the first day of *June*, in every year, the justices of the peace for such county or place shall, at their next *Midsummer* quarter session, issue out an order to the overseers of the poor of every parish or place within such city, town, or place, requiring such overseers to certify and return to the said justices, at the next *Michaelmas* quarter session, the several quotas that every parish or division within such city, town, or place, pays to the land tax for that year, and such overseers of the poor are hereby required to make such certificate and return accordingly; and upon such certificate and return being made, the said justices so assembled at their *Michaelmas* quarter session are hereby required (by their warrant directed to any constable or tythingman of every such parish and division) to cause the same to be levied by distress and sale of the goods and chattels of the churchwardens or overseers of the poor of every such parish and division, rendering the overplus (if any) to the owners of such goods and chattels, after such money, and the reasonable charges attending such distress and sale, shall be fully paid and satisfied; and all such churchwardens and overseers of the poor shall be reimbursed the money so levied on them respectively by the same ways and means as overseers of the poor are reimbursed the money by them expended for the relief of the poor, by the laws now in being.

Treasurer to pay the assessment to the receiver of the land tax for the county.

CXXII. And be it further enacted, That the treasurer for every county or place, who shall receive the said sum of five pounds *per* man as aforesaid, or any part thereof, is hereby required to pay all the money he shall so receive to the receiver general of the land tax for such county or place, within one calendar month after he shall receive the same; and every receiver general of the land tax, to whom any such money shall be paid, shall

shall give a receipt for such money to the person or persons paying the same, which receipt shall be a sufficient discharge for such payment; and that when the whole sum directed to be raised in any county or place as aforesaid shall be paid into the hands of the receiver general of the land tax, in pursuance of this act, such payment shall be a full discharge and indemnification to such county or place for the failure or neglect in the raising and training of the militia for the year in respect whereof such payment shall be made; and every such receiver general shall, within ten days after the receipt of any such money, certify such receipt to the lord high treasurer or commissioners of his Majesty's treasury, and forthwith pay the same into the receipt of his Majesty's exchequer at *Westminster*; and the money so paid into the exchequer shall be kept separate and apart from all other money, and shall be accounted for yearly to parliament, and disposed of as parliament shall direct, and no fee or gratuity whatsoever shall be given or paid to any officer of the exchequer for or on account of receiving or issuing any such money; and the high treasurer, or the commissioners of the treasury, is or are hereby authorised to allow to the receiver general of any such county or place, upon the clearing of his accounts, such salary or reward, for his pains and trouble in receiving and paying in such money, as the said high treasurer or commissioners shall think proper, not exceeding two-pence in the pound for so much money as he shall pay into the exchequer in pursuance of this act.

Receiver general to certify the receipt thereof to the treasury, and pay the money into the exchequer.

A salary may be allowed the receiver.

CXXIII. Provided always, and be it further enacted, That the treasurer of every county or place, as a recompence for his pains and trouble in collecting, receiving, and paying the money to be raised in every such county or place as aforesaid, shall be allowed the sum of one penny in the pound upon the whole sum so by him received and paid; which allowance every such treasurer is hereby authorised to detain in his hands out of the money so received by him before payment made to the receiver general as aforesaid; and every high constable, petty constable, churchwarden, and overseer of the poor, who shall act in the raising and collecting of the said money, shall respectively be allowed and paid by such treasurer, as a recompence for their trouble therein, the sum of one penny in the pound of all such money, in the raising and collecting whereof they shall respectively act as aforesaid; and such treasurer is hereby authorised and required to deduct the same out of the money so received by him as aforesaid, and to pay the respective proportions thereof to such high constables and other officers aforesaid.

County treasurer to detain 1d. per pound of the money he receives; and to pay a like sum to the high constables, &c. on the money they are concerned in collecting.

CXXIV. And be it further enacted, That the clerk of the peace for every county or place shall and is hereby required, within fourteen days next after the general quarter session of the peace to be held next after the twenty-fifth day of *December* yearly, to transmit to the lord high treasurer, or the commissioners of the treasury, and also to the receiver general of the land tax for such county or place, a copy, signed by such clerk

Clerks of the peace to transmit copies of certified returns to the treasury, etc.

of the peace, of every certificate which he shall have received from the lieutenant, or any three deputy lieutenants of such county or place as aforesaid; and where such certificate shall be omitted to be delivered, the clerk of the peace shall certify such omission to the lord high treasurer, or to the commissioners of the treasury, and also to the receiver general of the land tax, and that such clerk of the peace hath certified the same to the justices at such general quarter session, and required such justices to proceed according to the directions of this act; and such clerk of the peace shall also certify what proceedings have been had at such general quarter session, in relation to the assessing and raising the said money, where the militia shall not have been raised; and in case such justices shall omit, neglect, or refuse to proceed to raise the said money according to the directions of this act, then the clerk of the peace of such county or place shall, and he is hereby required, within fourteen days next after such general quarter session of the peace, to certify to the solicitor of the treasury such omission, neglect, or refusal, of such justices, and the names of the justices who shall be present at such session; and the solicitor of the treasury is hereby required, on receipt of such certificate, forthwith to proceed, by all such legal ways and means as shall be most effectual and expeditious, to compel such justices to pay due obedience to this act, and to cause the said money to be raised, collected, and paid.

and to certify omissions of justices to the solicitor of the treasury.

Solicitor of the treasury to compel the levying of assessments.

CXXV. And be it further enacted, That if the said sum of five pounds *per* man, to be raised and paid in any such county or place as aforesaid, shall not be levied, collected and paid into the exchequer, in manner herein-before directed, the solicitor of the treasury is hereby required forthwith, upon knowledge or information thereof, to proceed by all such legal ways and means as shall be most effectual and expeditious, to compel the levying and collecting of such money, and the payment thereof into the exchequer as aforesaid.

Penalty on neglect of duty in clerks of the peace, receivers general, &c.

CXXVI. And be it further enacted, That if any clerk of the peace shall refuse, or wilfully neglect to receive, deliver, file, make, record, or transmit any such certificates as aforesaid, according to the directions and true meaning of this act, every such clerk of the peace, so offending, shall, for every such offence, forfeit and pay the sum of one hundred pounds, and shall also forfeit his office, and be rendered incapable of having, receiving, or holding any office of trust, civil or military, under the crown; and if any receiver general of the land tax, treasurer, chief constable, petty constable, or other officer, who ought to act and assist in the raising and collecting of the said money, shall wilfully omit, or neglect or refuse to act and assist therein according to the direction and true meaning of this act, every such receiver general or treasurer, so offending, shall for every such offence forfeit and pay the sum of two hundred pounds; and every such chief constable, so offending, shall for every such offence forfeit and pay the sum of fifty pounds; and every such petty constable and other officer, so offending, shall for

for every such offence forfeit and pay the sum of twenty pounds: and the solicitor of the treasury shall and is hereby required, with all due diligence, to prosecute with effect all such justices of the peace, receivers general of the land tax, treasurers, and other officers, who shall omit, neglect, or refuse to perform the duty required of them respectively by this act, touching the raising, collecting, and paying of the said money; and in case the solicitor of the treasury shall wilfully omit or delay to proceed against any such justices of the peace, receivers general of the land tax, treasurers, or other officers aforesaid, he shall for every such offence forfeit and pay the sum of five hundred pounds.

Provisions of act 24 Geo. 2. c. 44, respecting justices, to extend to county lieutenants, etc.

CXXVII. And be it further enacted, That the provisions of an act passed in the twenty-fourth year of the reign of his late majesty King *George* the Second, intituled, *An act for the rendering justices of the peace more safe in the execution of their office, and for indemnifying constables and others acting in obedience to their warrants*, shall extend to all his Majesty's lieutenants, and to all deputy lieutenants acting in the execution of this act, or any other act relating to the militia, in like manner, and as fully and effectually as the same extend to justices of the peace acting in the execution of their office.

Commissions in militia not to vacate seats in parliament, nor officers liable to serve as sheriffs.

CXXVIII. And be it further enacted, That the acceptance of a commission in the militia shall not vacate the seat of any member returned to serve in parliament; and that no person being an officer of the militia shall be compelled to serve the office of sheriff.

Voters not punishable for absence while going to an election, &c.

CXXIX. Provided always, and be it enacted, That no officer of the militia, or private militia man, shall be liable to any penalty or punishment for or on account of his absence during the time he shall be going to vote at any election of a member to serve in parliament, or during the time he shall be returning from such election.

Militia men not liable to serve as peace officers, etc.

CXXX. And be it further enacted, That no serjeant, corporal, or drummer of the militia, nor any private man, from the time of his inrolment, until he shall be regularly discharged from the militia, shall be compelled to serve as a peace officer or parish officer, or to perform any highway duty, commonly called *Statute-work*, or to serve in any of his Majesty's sea forces.

Married militia men may set up trades in any town, &c. as soldiers may under act 22 Geo. 2. c. 44.

CXXXI. And be it further enacted, That every person having served in the militia when drawn out into actual service, being a married man, may set up and exercise any trade in any town or place within *Great Britain*, without any let, suit, or molestation, of or from any person or persons whomsoever, for or by reason of using or exercising such trade, as freely, and with the same provisions, and under the same regulations, and with the like exception in respect to the two universities, as any mariner or soldier can or may do by virtue of an act, passed in the twenty second year of his late Majesty's reign, intituled, *An act to enable such officers, mariners, and soldiers, as have been in his*

Majesty's service since his accession to the throne, to exercise trades; and no such militia man shall be liable to be removed out of any such town or place, until he is become chargeable to the parish.

How penalties are to be recovered, and how applied where not otherwise distributed by this act.

CXXXII. And be it further enacted, That all fines, penalties, and forfeitures, by this act imposed, which shall exceed the sum of twenty pounds, shall be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or the courts of great session in the principalities of *Wales*, or the courts of the counties palatine of *Chester*, *Lancaster*, and *Durham* (as the case shall require), wherein no essoin, privilege, protection, wager of law, or more than one imparlance, shall be allowed; and that all fines, penalties, and forfeitures, by this act imposed, which shall not exceed the sum of twenty pounds, shall, on proof upon oath of the offence before any justice of the peace of the county, riding, or place, where the offence shall be committed, be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of such justice, rendering the overplus (if any) on demand, after deducting the charges of such distress and sale, to the person whose goods and chattels shall have been so distrained and sold; and for want of sufficient distress such justice is hereby required, in all cases where no particular time of commitment is herein-before directed, to commit such offender to the common gaol of the county, riding, or place, where the offence shall have been committed, for any time not exceeding three months, and the money arising by all such fines, penalties, and forfeitures, the application whereof is not otherwise particularly directed by this act, shall be paid to the clerks, or (where there are no clerks) to the commanding officers of the respective regiments, battalions, or other bodies of militia of the respective counties, ridings, or places, where such offences shall have been respectively committed, and shall be made part of the publick stock of such regiments, battalions, or other bodies of militia respectively.

No order of county lieutenants, etc. to be removed by Certiorari.

CXXXIII. And be it further enacted, That no order or conviction made by any lieutenant of any county, riding, or place, or by any two or more deputy lieutenants, or by any one deputy lieutenant, together with any one justice of the peace, or by any justice or justices of the peace, by virtue of this act, shall be removed by *Certiorari* out of the county, riding, division, city, town, or place, wherein such order or conviction was made, into any court whatsoever; and that no writ of *Certiorari* shall supersede execution or other proceedings, upon any such order or conviction so made in pursuance of this act, but that execution and other proceedings shall be had and made thereupon; any such writ or writs, or allowance thereof, notwithstanding.

Limitation of actions.

CXXXIV. And be it further enacted, That if any action shall be brought against any person or persons, for any thing done in pursuance of this act, such action or suit shall be commenced

menced within six months next after the fact committed, and not afterwards, and shall be laid in the county or place where the cause of complaint did arise, and not elsewhere; and the defendant or defendants in every such action or suit may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon: and if the jury shall find for the defendant or defendants in any such action or suit, or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his or their action or suit, after the defendant or defendants shall have appeared; or if upon demurrer judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and have the like remedy for the same, as any defendant hath in other cases to recover costs by law.

General issue.

Treble costs.

CXXXV. And be it further enacted and declared, That all former acts of parliament relating to the militia of this kingdom (except only such acts as relate to the militia of the city of *London*, the militia of the *Tower Hamlets*, and the militia of the *Cinque Ports*, and the two ancient towns, and their members) shall be, from the twenty-fourth day of *September*, one thousand seven hundred and eighty-six, and they are hereby repealed; and that the militia raised by virtue of such of the said former acts as are hereby repealed, shall be subject to the provisions and regulations contained in this act in like manner as the militia to be raised by virtue of this act are subjected thereto.

All former militia acts repealed, except those relating to London, etc.

CXXXVI. Provided always, and be it further enacted, That the repealing of the said acts shall not annul or in anywise effect any commission of lieutenancy, or any other commission already granted, by virtue or under the authority of the said former acts, or any of them, but that the several persons to whom such commissions have been granted shall and may act, in the execution of this act, in like manner as they might have acted in the execution of the said former acts, in case this act had not been made: provided nevertheless, That no person shall act in the execution of this act as deputy lieutenant, or as colonel, lieutenant colonel, major, or captain, by virtue of any commission already granted as aforesaid, unless he is qualified as herein-before is directed, and also unless he has delivered, or shall deliver in a certificate, containing a specifick description of his qualification, to the clerk of the peace, according to the directions of this act, any thing herein-before contained to the contrary notwithstanding: provided also, That all proceedings of general and subdivision meetings which have been held under and according to the former laws relating to the militia, shall be good, valid, and effectual; and such further subdivision meetings as have been ordered and directed by the last general meetings of the lieutenancy, within the respective counties, ridings, and places, shall be held according to such orders and directions, and shall be deemed to be subdivision meetings held pursuant to the directions herein-before contained.

But not to annul commissions already granted under them, where the parties are legally qualified, &c.

Proceedings of meetings held under former acts to be valid.

C A P.

CAP. CVIII.

An act for explaining, amending, and reducing into one act of parliament, the several acts passed for more effectually preventing the frauds and abuses committed in the admeasurement of coals within the city and liberty of Westminster, *and that part of the dutchy of* Lancaster *adjoining thereto, and the several parishes of* Saint Giles in the Fields, Saint Mary le Bon, *and such part of the parish of* Saint Andrew Holborn, *as lies in the county of* Middlesex.

Preamble.

19 Geo. 2. c. 35.

WHEREAS, *by an act passed in the nineteenth year of the reign of his late majesty King* George *the Second, intituled,* An act more effectually to prevent the frauds and abuses committed in the admeasurement of coals within the city and liberty of *Westminster*, and that part of the dutchy of *Lancaster* adjoining thereto, and the several parishes of *Saint Giles in the Fields, Saint Mary le Bon*, and such part of the parish of *Saint Andrew Holborn*, as lies in the county of *Middlesex*, *it was, amongst other things, enacted, That, from and after the twenty-fourth day of* September, *one thousand seven hundred and forty-six, there should be and continue within the city and liberty of* Westminster, *one publick office, which should be called by the name of* The Land Coal-meters Office for the City and Liberty of Westminster; *which said office should, from time to time, be managed by two persons, to be nominated and appointed by his Majesty, his heirs and successors, and should be called and known by the name of* The Principal Land Coal-meters for the City and Liberty of Westminster; *which act was to continue in force for three years, and to the end of the then next session of parliament: and whereas his said late Majesty did appoint* Thomas Paulin *merchant, and* William Arnold *fishmonger, to be principal coal-meters for the city and liberty of* Westminster *aforesaid, and afterwards, by his grant or letters patent under the great seal of* Great Britain *did grant unto the said* Thomas Paulin *and* William Arnold, *the said land coal-meters office for the city and liberty of* Westminster, *to have and to hold the said office unto them the said* Thomas Paulin *and* William Arnold *jointly and severally, together with all powers, privileges, advantages, and emoluments thereunto belonging, and as are granted in and by the said recited act for and during his Majesty's royal will and pleasure: and whereas the said office of principal coal-meters hath been held, from time to time, by persons appointed thereto by his said late Majesty and his present Majesty, and* John Paulin *and* John Arbuthnot *are now the principal land coal-meters for the city and liberty of* Westminster, *and other places aforesaid, and such office hath been granted to them, the said* John Paulin *and* John Arbuthnot, *by his said present Majesty, by his letters patent under the great seal of* Great Britain: *and whereas the said recited act of the nineteenth year of the reign of his said late Majesty, was continued by several subsequent acts, passed in the twenty-third, twenty fourth, thirty-first, and thirty-second years of the same reign, and was amended by the last of such acts; and, by an act passed in the*

sixth year of the reign of his present Majesty, was, subject to such amendments, further continued, and was also explained and further amended; and, by an act passed in the twenty-first year of the reign of his said present Majesty, the said former acts were further continued until the twenty-fourth day of June, *which will be in the year of our Lord one thousand seven hundred and ninety-five, and from thence to the end of the then next session of parliament, and a further amendment was made with respect to some of the provisions contained in the said act of the twenty-third year of his said late Majesty: and whereas the said acts have been found useful and beneficial, but they might be rendered much more so if the same were further explained and amended, and proper provisions made for obviating mischiefs and abuses which were not foreseen nor sufficiently provided against; and the said acts would more effectually answer the purposes thereby intended, and might be more easily understood and better executed, if the same were comprized in one act of parliament:* may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twenty-fourth day of *July*, one thousand seven hundred and eighty-six, there shall be provided and continued, within the city and liberty of *Westminster*, one publick office, which shall be called by the name of *The Land Coal-meters Office for the City and Liberty of Westminster*, and shall be managed by the said *John Paulin* and *John Arbuthnot*, or in case of their death or removal, by such other two persons as shall, from time to time, be nominated and appointed by his Majesty, his heirs and successors: which said *John Paulin* and *John Arbuthnot*, or such other two persons so to be nominated and appointed as aforesaid, shall be called and known by the title of *The Principal Land Coal-meters for the City and Liberty of* Westminster; and such office shall, during the continuance of this act, be kept open every day (*Sundays* excepted) from the twenty-fifth day of *March* to the twenty-ninth day of *September*, yearly, from the hour of five in the morning till nine in the evening, and from the twenty-ninth day of *September* to the twenty-fifth day of *March*, yearly, from the hour of six in the morning till six in the evening.

21 Geo. 3. c. 34, continuing former acts to June 24, 1795.

Land coal-meters office to be provided in Westminster.

Their title.

Office hours.

II. And it is hereby enacted and declared by the authority aforesaid, That, in all cases where any justice or justices of the peace is or are by this act authorised to examine any person or persons on oath or affirmation, it shall be lawful for such justices respectively to administer such oath, and take such affirmation.

Justices to administer oaths, &c.

III. And be it further enacted by the authority aforesaid, That no person or persons, who shall hereafter be appointed one of the principal land coal-meters, shall be capable of acting as such until he or they shall, before two or more of his Majesty's justices of the peace for the said city and liberty of *Westminster* (who

Principals to be sworn.

(who are hereby authorised and required to administer the same) take an oath or affirmation in the words following; to wit,

The oath.

I A. B. *do swear*, [or, being of the people called Quakers, *do solemnly affirm*], *That I will truly and faithfully, according to the best of my judgement and ability, execute the office of one of the principal land coal-meters for the city and liberty of* Westminster, *and for that part of the dutchy of* Lancaster *adjoining thereto, and for the several parishes of* Saint Giles in the Fields, Saint Mary le Bon, *and for such part of the parish of* Saint Andrew Holborn, *as lies in the county of* Middlesex.

So help me GOD.

Principals to appoint labouring coal-meters.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said principal land coal-meters, or any one of them, and they, or any one of them, are and is hereby authorised, directed, and required, to appoint from time to time a sufficient number of persons to be labouring coal-meters, within the limits of this act; one or more of which said labouring coal-meters shall attend every day (*Sundays* excepted) at such of the coal wharfs, warehouses, or other places of sale, within the limits aforesaid, at which he or they shall be stationed by the principal land coal-meters, or any one of them, during the continuance of this act, at such time as is required by the wharfinger or dealer in coals where such meter or meters is or are stationed, to measure out, or see measured, the coals which shall from time to time be sold at any of the said wharfs, warehouses, or places where such labouring coal-meters shall be so stationed as aforesaid.

Their stations.

They are to be sworn.

V. And be it further enacted by the authority aforesaid, That no person shall be capable of acting as one of the labouring coal-meters to be appointed as aforesaid, until he shall, before one or more of his Majesty's justices of the peace for the said city and liberty of *Westminster* (who is and are hereby authorised and required to administer the same), take and subscribe an oath or affirmation in the words or to the effect following; to wit,

Labouring meters oath.

I A. B. *do swear*, [or, being of the people called Quakers, *do solemnly affirm*], *That I will duly and faithfully, to the best of my skill and knowledge, execute the office of one of the labouring coal-meters for the city and liberty of* Westminster, *and for that part of the dutchy of* Lancaster *adjoining thereto, and for the several parishes of* Saint Giles in the Fields, Saint Mary le Bon, *and for such part of the parish of* Saint Andrew Holborn, *as lies in the county of* Middlesex; *and that I will truly and impartially measure, or see measured, all coals between buyer and seller, without favour or hatred.*

So help me GOD.

And the said justice or justices respectively, who shall administer the

the oaths or take the affirmations by this act directed, is and are hereby required to certify the same to the next general quarter sessions of the peace to be holden for the said county of *Middlesex*, after the taking of such oaths or affirmations respectively, there to remain on record.

Justices to certify the oath or affirmation.

VI. Provided always, and be it further enacted by the authority aforesaid, That if the said principal land coal-meters or coal-meter, or any of the persons to be employed under them or him, shall at any time or times hereafter, during their or his respective continuance in their or his office or employment aforesaid, be directly or indirectly interested or concerned in the sale of any coals whatsoever, every such principal land coal-meter so offending shall, for every such offence, forfeit and pay the sum of one hundred pounds, and such labouring coal-meter respectively shall, for every such offence, forfeit and pay the sum of twenty pounds, and such labouring coal-meter, being thereof convicted before the said court of quarter sessions, shall be dismissed from his or their said respective office or employment, and be for ever disabled from holding or executing the same, or any other, under this act.

Meters not to be interested in the sale of coals.

VII. And be it further enacted, That upon notice in writing, or otherwise, being given to any of the said labouring coal-meters, or left at the said principal land coal-meter's office, for a labouring coal-meter or meters to attend at any wharf within the limits of this act, to be named in such notice, in order to measure, or see measured, the coals of the person giving the notice, such labouring coal-meter or meters shall attend, pursuant to such notice, within the space of one hour from the time of giving the same, or sooner if possible, and do his or their duty according to the intent and meaning of this act; and, in case of neglect or refusal to attend accordingly, such labouring coal-meter or meters shall, for every such offence, forfeit and pay the sum of twenty shillings each, and the principal land coal-meters or coal-meter, neglecting to send such labouring coal-meter or meters as aforesaid, shall, for every such offence, forfeit and pay the like sum of twenty shillings.

Penalty on principals neglecting to send a labouring coal-meter, and on labouring coal-meters not attending on notice.

VIII. *And, in order to prevent confederacy*, be it enacted, That the stations to be appointed to and for the labouring coal-meters shall be frequently varied by the principal land coal-meters or coal-meter, or the persons or person executing the office of principal land coal-meter, in such manner as they or he shall think fit.

Stations of labouring meters to be varied.

IX. And be it further enacted by the authority aforesaid, That all coals which, from and after the said twenty-fourth day of *July*, shall be sold as and for wharf measure, at any place or places within the limits of this act, shall be measured in the presence of one of the said labouring coal-meters, in such manner as is directed in and by an act passed in the sixteenth and seventeenth years of the reign of King *Charles* the Second, intituled, *An act for regulating the measures and prices of coals*; and the said labouring coal-meters shall and may, and are hereby respectively authorised

Coals to be measured in presence of a labouring meter.

16 & 17 Car. 2. c. 2.

authorised and required to fill up any bushel or bushels of coals that shall appear to him or them to be deficient or wanting in measure, out of the stock of coals of the person or persons vending or contracting for the sale of the said coals.

Coal-meters fee, 4d. per chaldron, to be paid by seller.

X. And be it further enacted by the authority aforesaid, That four-pence by the chaldron for every chaldron of coals which, from and after the said twenty-fourth day of *July*, shall be sold and delivered at any wharf, warehouse, or place within the limits of this act, shall be paid by the person who keeps the wharf, warehouse, or place where such coals are carted, from or by the seller of such coals to the principal land coal-meters or coal-meter for the time being, as a recompence for their or his labour and trouble, and for defraying the charges of clerks, messengers, house rent, fire, candles, and all other expences incident to the execution of the office aforesaid, and for the hire of the labouring coal-meters; and thereupon such principal land coal-meters or coal-meter shall, and they and he are and is hereby required to deliver, or cause to be delivered, to every seller of such coals, or the carman who shall cart, lead, drive, or carry away the same, a paper, writing, or ticket, signed by one of the said principal land coal-meters, and countersigned by the labouring coal-meter attending and delivering the same, in which shall be contained as well the christian and surname of the respective sellers as of the consumers of the said coals, the quantity, and day of the week, month, and year of the delivery and admeasurement, the amount of the metage charge, and the names of the carmen or persons employed to cart, lead, drive, or carry the same coals; and also shall contain a notice to the purchaser or purchasers of the said coals, that if he, she, or they is or are dissatisfied with the measure thereof, such dissatisfaction must be expressed to the carman before any part thereof is shot or unladen from the said cart; which said ticket being thus made compleat, and metage paid, shall be delivered, unaltered, by the labouring coal-meter countersigning the same, without delay, to the carman or person employed to cart, carry, drive, or lead the coals described in such ticket to the consumer therein named; which said ticket, unaltered, the carman, or person therein named, to be employed to cart, carry, lead, or drive the coals in such ticket described, shall, and he is hereby required to deliver to the respective consumers therein named, or to their agent or servant, who shall attend to receive the coals described in such ticket, for the use of such consumer; and thereupon he, she, and they are hereby required to pay to the seller, named in such ticket, the metage therein specified; and if the labouring coal-meter countersigning such ticket, shall, after payment of the metage charge in pursuance of this act, refuse or neglect to deliver such ticket, as hereinbefore directed, to the carman, or person employed to cart, lead, drive, or carry the coals therein described, such labouring coal-meter shall, for every such offence, forfeit and pay the sum of forty shillings; and if such carman or person employed to cart, carry, lead, or drive the coals

Tickets to be delivered to the seller or carman.

Contents of the tickets.

Tickets to be delivered by labouring meter to carman, and by him to the consumer.

Consumer to repay metage to the seller.

Penalty on labouring coal-meters neglecting to deliver ticket to the carman;

and on the carman altering it, etc.

described in such ticket shall, after the same ticket shall been so delivered to him by the labouring coal-meter counning the same, either alter, or neglect or refuse to deliver ame ticket to the consumer therein named, or to the agent rvant who shall attend to receive the coals described in such t, such carman or person employed to cart, lead, or drive coals described in such ticket, shall likewise forfeit and pay, very such offence, the sum of ten shillings.

Penalty on vender for sending coals unmeasured, or without a ticket.

I. And be it further enacted by the authority aforesaid, t if any cart or carts loaded, or in which any quantity of exceeding seventeen bushels shall be sent or driven from wharf, warehouse, or place situate within the limits of this without having been measured under the inspection of the principal land coal-meters or coal-meter, or of such labourcoal-meter, or without having first obtained such ticket as esaid, that then and in every such case the vender of the said s, being convicted thereof by the oaths (or, being of the ple called *Quakers*, by affirmation) of two or more witnesses, re one or more of his Majesty's justices of the peace for the county of *Middlesex*, or city and liberty of *Westminster*, for every such offence, forfeit and pay the sum of ten ds.

Sacks not to be sealed or marked, which shall not be full four feet four inches long, and 26 inches broad.

II. And be it further enacted by the authority aforesaid, t, from and after the twenty-fourth day of *July*, one sand seven hundred and eighty-six, no sacks to be made use r the carriage of coals, within the limits of this act, which not be full four feet four inches in length, and full twentynches in breadth, after they are made, shall be sealed or ed at any office or offices, or by any officer or officers apted, or to be appointed, for the purpose of sealing and markuch sacks, by any law now in being respecting the same.

Dimensions of sacks to be used.

III. And it is hereby further enacted by the authority aforeThat if any wharfinger or carrier of coals shall, at any time nes hereafter during the continuance of this act, make use y sack or sacks for the carrying of coals, within the limits is act, of less dimensions than four feet in length, and two n breadth, or shall wilfully make, or procure to be made or any false bushel or other measure, and be convicted thereof e oaths (or, being of the people called *Quakers*, by affirmon) of two or more credible witnesses, before one or more s Majesty's justices of the peace for the said county of *Mid*, or city and liberty of *Westminster*, he shall, for every such ce, forfeit and pay the sum of five pounds.

Penalty on wharfingers, etc. bribing meters.

V. And it is hereby further enacted by the authority aforeThat if any wharfinger or dealer in coals, shall, directly or ctly, give or cause to be given to any labouring coal-meter n the said limits, at any time or times hereafter during the nuance of this act, any sum or sums of money, or other eward, or gratuity whatsoever, over and besides the foure *per* chaldron herein-before enacted and allowed for the ges of metage, and shall be convicted thereof by the oaths (or,

(or, being of the people called *Quakers*, by affirmation) o or more credible witnesses, before one or more of his Ma justices of the peace for the said county of *Middlesex*, or cit liberty of *Westminster*, he shall, for every such offence, and pay the sum of fifty pounds.

Penalty on meters permitting deficient sacks to be used.

XV. And be it further enacted by the authority afor That if any labouring coal-meter shall, at any time or hereafter during the continuance of this act, use, or perm suffer sacks to be made use of, for the measuring or carryi coals, of less dimensions than four feet in length, and two in breadth, at any place or places within the said limits, an convicted thereof by the oaths (or, being of the people c *Quakers*, by affirmation) of two or more credible witnesses, fore one or more of his Majesty's justices of the peace fo said county of *Middlesex*, or city and liberty of *Westminster* shall, for every such offence, forfeit and pay the sum of shillings.

Penalty on labouring meter delivering false tickets;

or receiving any reward besides 4d. per chaldron;

or making false measure, etc. or delivering any ticket for coals he did not see measured.

XVI. And it is hereby further enacted by the authority a said, That if any labouring coal-meter, to be appointed qualified pursuant to this act, shall, at any time or times he ter during the continuance of this act, deliver a false or cou feit ticket to any dealer, consumer, carman, or other pe with intent to prejudice or defraud any person or persons wh soever: or shall take and receive from any dealer in coal sum or sums of money, fee, reward, or gratuity whatso over and besides the four-pence *per* chaldron herein-b enacted and allowed to be taken for the metage charge; any such labouring coal-meter shall wilfully make, perm suffer to be made, false measure of coals, or shall deliver a for any quantity of coals, the whole of which he shall not seen measured, at any place or places within the said limits shall be, in any or either of the said cases, convicted there the oaths (or, being of the people called *Quakers*, by affirm of two or more credible witnesses, before one or more Majesty's justices of the peace for the said county of *Mid* or city and liberty of *Westminster*, he shall be rendered inc of ever serving thereafter in the office of a coal-meter; an principal land coal-meters or coal-meter for the time being for every such offence of such labouring coal-meter so cor as aforesaid, forfeit and pay the sum of forty shillings.

Exemptions with respect to water works, and persons having one chaldron or more of coals as pool measure.

XVII. Provided always, and it is hereby declared, Th act shall not extend to the owners of any works for raising by fire, nor to the owners of any coals to be bought, sol delivered as and for pool measure, but that they shall and have one chaldron of coals, or more, delivered under the i tion of his or their own agent in the absence of a meter, that case such persons are hereby respectively exempted the payment of any metage charge by virtue of this act; such persons shall require the care or attendance of any to be appointed in pursuance of this act, then, and in suc they shall pay the metage charge of four-pence by the ch

by laid, as other consumers of coals are hereby obliged or
ıt to do, in pursuance of this act; any thing herein-before
tained to the contrary hereof notwithstanding.

XVIII. And be it further enacted by the authority aforesaid, Penalty on meters suffering coals to pass without being measured.
at if any such labouring coal-meter shall, from and after the twenty-fourth day of *July*, wittingly or willingly suffer any s sold as and for wharf measure (exceeding the quantity of nteen bushels) to be sent from any wharf, warehouse, or within the limits of this act, without being measured in anner herein-before directed, and shall not give informa- hereof to the principal land coal-meters or coal-meter, or or his deputies at the said office, within two days next af- uch coals shall have been sent as aforesaid, and shall be duly victed thereof by the oaths (or, being of the people called *kers*, by affirmation) of two or more credible witnesses, be- : one or more of his Majesty's justices of the peace for the county of *Middlesex*, or city and liberty of *Westminster*, such ouring coal-meter shall from thenceforth be for ever rendered apable of acting as a labouring coal-meter within the limits ıprised in this act, and forfeit and pay the sum of five nds.

XIX. Provided always, and be it further enacted by the au- Penalty on carman taking, or permitting coals to be taken out of his cart.
ity aforesaid, That if the driver of any cart or carriage with s loaded therein, from any wharf, warehouse, or place within limits of this act, or any person belonging thereto or em- yed therewith, shall take or deliver, or suffer to be taken or ıvered, from such cart or carriage, any coals under his care, nerwise than to or for the use of the owner or owners, pur- aser or purchasers thereof, and shall be thereof convicted, ery such person shall, for every such offence, forfeit and pay e sum of forty shillings; and, in case of nonpayment thereof, ery such offender shall and may be committed, by warrant der the hand and seal or hands and seals of the justice or tices before whom such conviction shall be had, to the house correction for the said county of *Middlesex*, or city and liberty *Westminster*, there to remain for any time not exceeding three endar months, nor less than one calendar month, unless the d penalty or forfeiture be sooner paid and satisfied.

XX. Provided also, and be it further enacted by the authority Persons dissatisfied may have coals remeasured, signifying their desire.
resaid, That if any person shall be dissatisfied with, or think nself or herself aggrieved by or in the measure of any coals d to him or her by wharf measure, within the limits aforesaid, d shall, upon delivery to him or her of the meter's ticket ac- mpanying such coals, signify his or her desire to have the same measured, then, and in every such case, the carman or driver Driver to continue with the coals and cart till remeasured.
the cart or other carriage, in which the said coals shall be ought, shall continue at the house or lodging of the purchaser the said coals, with the said coals and the said cart or carriage, ıtil they are remeasured, under the penalty of five pounds on e owner or proprietor, and twenty shillings on the driver of e said cart or carriage; and the said purchaser shall im-

Purchaser to send notice in writing to vender and meter.

mediately send, or cause to be sent, to the vender of the coals, or to his or her wharf, warehouse, or place, notic writing that the said coals are going to be remeasured, and send notice thereof to the land coal-meter's office; and th upon a principal meter, or one of the labouring meters (not ing the meter under whose inspection the said coals originally measured), shall, within the space of two hours after such notice in writing left at the land coal-meter's aforesaid, attend to remeasure the said coals, and shall ac ingly remeasure the same, sack by sack, in the presence c vender and purchaser of the said coals, or their agents c vants, if any of them shall attend and desire to see the sar measured, and also in the presence of one of the princip labouring land coal-meters of or for the city of *London*, or or for that part of the county of *Surrey* lying between *Pu* and *Rotherhithe*, if such purchaser shall think proper to req the attendance of such lastmentioned coal-meter; who sh and is hereby directed and required to attend accordingly, wit the space of two hours after notice in writing left at such la mentioned coal-meter's office; and in case such lastmentio coal-meters or coal-meter shall neglect or refuse to attend p suant to such notice, he or they shall, for every such offe forfeit and pay the sum of five pounds: for which remeas ment the purchaser shall pay the principal land coal-meter coal-meter, appointed by this act, and also such other land co meter, from the city of *London*, or from that part of the coun of *Surrey* aforesaid, as shall attend such remeasurement, the su of sixpence each, for every chaldron of coals so remeasured; an in case the coals thus remeasured shall not amount to the quan tity for which they were sold, then the vender of such co shall forfeit and pay, for every bushel of coals found deficien the sum of five pounds, and also forfeit every chaldron of co so found deficient or wanting in measure, to and for the use the poor of the parish where the said coals shall be so r measured; and the labouring meter, under whose inspection t coals were first measured, shall, for every bushel so deficier forfeit and pay the sum of five pounds, which sum, if not pa within five days next after his conviction, shall and may be r covered from the persons or person executing the office of prin cipal land coal-meter for the time being, established by this ac and the coal porters, who shall measure the same for the vend thereof shall, for every bushel of coals so wanting, forfeit an pay the sum of two shillings and sixpence.

Purchaser to pay 6d. per chaldron for remeasuring.

Penalty on vender, &c. when coals prove deficient.

Carmen to be paid 2s. 6d. per hour, when stopped to remeasure coals.

XXI. Provided also, and be it further enacted by the au thority aforesaid, That in all cases where any cart shall be stop ped or detained for the purpose, or on pretence, of remeasurin the coals laden thereon, the owner of every such cart shall b entitled to the sum of two shillings and sixpence *per* hour fo every hour the cart shall be so detained, over and above th usual cartage of such coals; which two shillings and sixpenc *per* hour shall be paid by the vender of the said coals, in case th

e shall, upon such remeasurement, be found deficient in
sure; or by the purchaser of the said coals, in case the same
not be remeasured, or shall, upon such remeasurement, be
l to amount to the quantity for which the same were sold.

XII. Provided also, and be it further enacted by the au-
ty aforesaid, That no seller of or dealer in coals, within
nits aforesaid, shall, for any offences under this act, be
t or liable to any other penalty, forfeiture, or disability
hat are herein-before respectively inflicted or enacted;
ng in the act of the third year of the reign of his late
King *George* the Second, intituled, *An act for the better*
on of the coal trade, or in any other law, statute, or cus-
o the contrary notwithstanding. Dealers offending under this act not liable to penalties of act 3 Geo. II, etc.

XIII. And be it further enacted, That it shall and may be
ul for the justices of the peace for the county of *Middlesex*,
ty and liberty of *Westminster*, in general or quarter session
bled, and they are hereby authorised and required to in-
into, hear, and determine any complaint of fraud, neg-
or misbehaviour of the said *John Paulin*, *John Arbuthnot*,
ne principal land coal-meters for the time being, or any or
of them, in the same manner as they are by law autho-
o inquire into, hear, and determine misdemeanours; and
such land coal-meter shall be found guilty of any fraud,
, or misbehaviour, he shall forfeit and pay, for the use
s Majesty, such fine as the court before whom such com-
nt shall be made shall think fit, not exceeding forty pounds,
ther with such costs as the court shall think proper to award
direct, and in default thereof, be committed to the house
rrection for the said county till such fine and costs are fully
and satisfied. For impowering the justices of Middlesex and Westminster to take cognizance of complaints against coal-meters.

XIV. And be it further enacted and declared by the autho-
oresaid, That the several penalties and forfeitures imposed
icted, and to be incurred, by virtue of or under this act,
nanner of levying and recovering whereof is not hereby
vise particularly directed,) shall be recovered and applied
manner, and to and for the purposes following; that is
such and so many of the said penalties and forfeitures as
l shall respectively exceed the sum of five pounds, by ac-
debt, bill, plaint, or information, in any of his Majesty's
of record at *Westminster*, one moiety whereof, when re-
d, shall be to and for the use of our sovereign lord the
his heirs and successors, and the other moiety thereof
full costs of suit) to and for the use of such person or per-
ho shall inform or sue for the same; and all other the
id penalties and forfeitures shall be recovered by way of
int made unto any one or more justice or justices of the
or the said county of *Middlesex*, or city and liberty of
nster; who is and are hereby required to call the parties
him or them, and to hear and examine such complaint,
h, or upon affirmation (in case any testimony in this re-
hall be given by any of the people called *Quakers*), and, Recovery and application of penalties, etc.

upon due proof thereof made, to his or their satisfaction, grant a warrant under his or their hand and seal, or hands seals, for levying such penalties and forfeitures accordingly; moiety whereof shall be applied to the use of the informer, the other moiety to and for the use of the poor of the pari which such offences shall have been respectively commi and, in case such last-mentioned penalties or forfeitures sha (after such conviction or convictions) be forthwith paid then the same shall be levied by distress and sale of the and chattels of the respective offenders, by warrant or w under the hand and seal, or hands and seals of such ju justices of the peace before whom such offender or of shall be convicted, rendering the overplus (if any be) t offender or offenders; and which said last-mentioned pena and forfeitures, when paid or recovered, shall be immedi transmitted by the said justice or justices to the overseers o poor of the parish where the person complaining shall re for the use of the poor of such parish; and, for want of cient distress, such offender or offenders shall be committ the house of correction, for any time not exceeding thirty nor less than seven days, there to remain and be kept to labour.

Persons aggrieved may appeal to the quarter sessions.

XXV. Provided always, and it is hereby further enacted declared, That if any person, so convicted as aforesaid think himself aggrieved, he may appeal to the general sessions of the peace to be held for the county of *Middlesex* after such conviction, but not afterwards; of which appeal appellant shall give to the prosecutor or informer seven previous notice of his intention of trying the same; and general quarter sessions, when so appealed to, shall then and finally determine the same; but in case there shall n seven days between such conviction and the then next q sessions, then such appeal shall be heard and finally deter at the following quarter sessions, such notice being first gi aforesaid: and if the appellant in such appeal shall not good, support, and succeed in such his appeal, or prosecu same with effect, the said court of sessions shall then awar costs as they shall think reasonable, to be then and there ir court, with the penalty adjudged on and by such conv paid to the prosecutor or informer; and, for want there commit the person or persons thus appealing, to the co gaol of and for the county of *Middlesex*, there to remain or they shall and do make actual payment of such costs nalty to the person or persons to whom the same shall be ed, for the purposes aforesaid; but in case the said ap shall make good, support, and succeed in such his appe be acquitted of his conviction, the same court shall, in th award to such appellant reasonable costs, to be then and in open court paid to him or them by the person or pers whose information or prosecution such conviction shal been founded or made; and, for want of such payme

The court to award costs, etc.

ha ourt of sessions shall commit such informers and prosecu-
ter espectively to the common gaol of the said county of *Mid-*
the there to remain until he or they shall and do actually pay
or se h appellant the costs so respectively awarded to them as
ticke aid; but no conviction, to be pronounced or made by
the c ot or under this act, shall be quashed or vacated for want
for e n only.

Conviction not to be quashed for want of form only.

Xe VI. And it is hereby enacted, That no writ of *Certiorari*
Th ce ue, or be issuable, to remove the record of any convic-
coale n proceedings thereon, to be taken, made, or pronounc-
any n pursuance or by the authority of this act, into any of his
act, eir 's courts of record at *Westminster*.

No certiorari.

said XVII. And be it further enacted by the authority aforesaid,
ing t this act shall commence and take place upon *Monday* the
afora ty-fourth day of *July*, one thousand seven hundred and
coal ty-six, and shall be in force and have continuance until the
peop ty-fourth day of *June*, which will be in the year of our
befod one thousand seven hundred and ninety-five, (being the
said ue and remainder now to come and unexpired of the
shall granted by the said recited act of the twenty-first year of
pour eign of his present Majesty), and from thence to the end

Commencement and continuance of this act.

XX. then next session of parliament; and that from and after
That d twenty-fourth day of *July*, one thousand seven hundred
thoul ghty-six, the said recited acts of the nineteenth, twenty-
of fo d, twenty-fourth, thirty-first, and thirty-second years of the
shal n of his said late majesty King *George* the Second, and of the
six h and twenty-first years of the reign of his present Majesty,
mar ll be, and is and are hereby repealed.

Acts of 19, 23, 24, 31, and 32, Geo. II. and of 6 and 21 Geo. III. repealed.

poin XXVIII. And be it further enacted by the authority afore-
ing , That if any action, information, or suit, shall be brought,
XX , or prosecuted against any person or persons, for any thing
said, e in pursuance of this act, the same shall be commenced or
or tri l within two calendar months next after the fact committed,
of an not afterwards; and shall be laid in the county of *Middle-*
of th and not elsewhere; and the defendant or defendants in or
feet uch actions, suits, or informations, may plead the general
used , and give this act and the special matter in evidence, on
by the trial to be had thereupon, and that the same was done in
pursuance of this act: and if the same shall appear to have been
done, or if any such action, suit, or information, shall be
brought or filed after the time for that purpose limited, or shall
be brought in any other county or place, then the jury, in every
case, shall find for the defendant or defendants; and if the
plaintiff or plaintiffs shall become nonsuit, or suffer a discon-
tinuance of his, her, or their action or actions, or if a verdict
shall pass against the plaintiff or plaintiffs, or if, upon demurrer,
judgement shall be given against the plaintiff or plaintiffs, the
defendant or defendants shall have full costs, and such remedy
for the recovery of the same as any defendant or defendants
hath or have for costs of suit in other cases by law.

Limitation of actions.

Middlesex.

General issue.

Costs.

XXIX. And

Publick act.

XXIX. And be it further enacted by the authority afore That this act shall be deemed, judged, and taken to be a p lick act; and shall be judicially taken notice of as such, by judges, justices, and other persons whomsoever, without cially pleading the same.

CAP. CIX.

An act for incorporating the members of a society to be called Clyde Marine Society; *for the better empowering and enab them to carry on their charitable and useful designs; and for l ing certain duties from shipmasters and others, for that purpos*

Preamble.

WHEREAS *a number of merchants and ship owners in city of* Glasgow *did, in the year one thousand seven hund and fifty-eight, form themselves into a society, by the name of* Glasgow Marine Society, *which was afterwards united with a ciety erected at* Greenock *for similar purposes; of which united soc many other merchants and ship owners in the said city of* Glasg *and in the towns of* Greenock, Port Glasgow, *and* Crawfor Dyke, *all situated on the banks of the river* Clyde, *in that par* Great Britain *called* Scotland, *afterwards became members, for purpose of establishing a charitable fund for the relief of sick, wo. out, and decayed ship masters, officers, and mariners navigating and vessels belonging to or freighted by merchants, ship owners, others of the said city and towns, and their dependencies; and of widows and families of such ship masters, officers, and mariners; have been enabled by the entry money paid by the members, and voluntary donations and subscriptions of charitable and well-dispo persons, and by a contribution, or poundage, at the rate of two-pe* per pound *sterling, on the wages of the ship masters, officers, mariners belonging to or sailing from the said city and towns, not to afford relief to a great number of indigent persons of the descrip. aforesaid, and to carry the humane purpose of their association so into effect as to distribute annually, for the last eight years, at average, the sum of two hundred and eighty-nine pounds, ten sh lings, and one penny halfpenny sterling, in fixed and settled pensi to the said persons, and in small sums, given in occasional charity persons of the aforesaid description, when they were in tempora want from sickness, or had been maimed, wounded, or shipwrecke or had met with any other accidental or casual misfortune, by whi many hundreds of persons have been relieved from most distressing a calamitous situations since the institution of the said society; but also accumulate a capital stock, which, on the first day of* March, o. *thousand seven hundred and eighty-six, amounted to two thousand on hundred and sixty-two pounds, thirteen shillings, and four-pence ster ling, the interest of which, joined with the other aforesaid funds, h been, from time to time, applied to the charitable purposes before r cited: and whereas experience hath shown, that the said society ha hitherto been of considerable use and advantage, and it is presume that the said society, if countenanced and supported by the laws of thi realm, and established upon a permanent and respectable foundation an*

veſted with proper powers for enabling them to carry into execu-
heir charitable deſigns, would be of much more extenſive uſe,
it, and advantage, and would contribute to the commercial inte-
of the ſaid city, and towns, and their dependencies: but it is ap-
nded that theſe uſeful ends cannot be attained in their full ex-
without the aid and authority of parliament; may it therefore
e your Majeſty that it may be enacted; and be it enacted
ne ng s moſt excellent majeſty, by and with the advice
o of the lords ſpiritual and temporal, and commons,
is p nt parliament aſſembled, and by the authority of
me, That; *Alexander Brown* eſquire, preſent dean of guild
ſaid city of *Glaſgow*, and *John Campbell* of *Clathick*, *James*
of *Buſhbie*, *James Dunlop* of *Garnkirk*, *Archibald Hender-*
James Sommerville, *James M'Dowall*, *Robert Dunmore*, and
t *Finlay*, all merchants in *Glaſgow*; *John Paterſon*, *John*
nn, *James Gammill*, *William Fullarton*, *Hugh Moodie*, *An-*
Anderſon, and *Roger Stewart*, merchants in *Greenock*; and
Crawford junior, *John Dunlop*, *Patrick Dougall*, *James*
e, and *Stephen Rowan*, merchants in *Port Glaſgow*, ſhall,
ney are hereby declared to be directors of the ſaid ſocie-
nd ſhall continue to be ſo, until the firſt general meeting
ſaid ſociety, to be held at the time and place and in the
er herein-after mentioned, but no longer, unleſs they ſhall
elected in manner after mentioned; and that they and
ucceſſors to be elected and named in manner herein-after
d, together with the perſons whoſe names are at preſent
bed or enrolled in the ſaid ſociety's books as members
f, and thoſe perſons who may hereafter become members,
e, and they are hereby declared and adjudged to be, one
orporate and politick, in deed and in name, by the name
Clyde Marine Society; and by that name they ſhall have
ual ſucceſſion, and a common ſeal, with power to change,
break, and make new the ſame, when and as often as
ſhall judge the ſame to be expedient: and that they and
ucceſſors, by the ſame, may ſue and be ſued, implead and
pleaded, anſwer and be anſwered unto, in all or any courts
art of record, and places of judicature within this king-
and that they and their ſucceſſors, by the name aforeſaid,
e able and capable in law to have, hold, receive, enjoy,
and retain, for the ends and purpoſes of this act, all
m and ſums of money as have been given, deviſed, or
thed, or ſhall at any time or times hereafter be paid,
deviſed, or bequeathed to them by any charitable or
ſpoſed perſon or perſons; and alſo to ſue for, levy, col-
old, poſſeſs, and diſpoſe of the duty for ſhipmaſters, offi-
nd mariners herein-after given and granted.

Directors of the Clyde marine ſociety.

r 2,162l. 13s. 4d. ſterling, veſted in the ſociety. General court
ting twenty-one directors on the 2d Thurſday in Auguſt, 1786.
ral annual meeting to be held for the choice of directors, on the
Thurſday in Auguſt, yearly. Election of directors; four to go
rly, and four choſen in their room. Directors may ſettle peu-

sions on decayed ship-masters, &c. Other courts of directors to b
for disposing of their funds. Directors may give temporary ch
Dean of guild of Glasgow to be president of the corporation. I
tors to appoint a treasurer, who is to account and keep books of
ceedings. Books to be produced at the general annual meeting.
sons subscribing 2l. 2s. sterling, to become members. Duties
levied from ship-masters, &c. master to pay 9d. per month; first
and first carpenter 6d. all others 3d. Duty not to be levied fror
sons navigating lighters, gabbarts, boats, and other small craft, u
the river Clyde, or on the Great or Monkland canals. Ma . e
ships obliged to pay duties for men navigating ships, &c. iv
the duties to be appointed by the directors. Receivers of tc
mon masters of ships to appear. Expences of this act tc e rai
a duty of 2d. per month, additional for one year, and th surpl
go to the stock. Penalty on making false oaths, perjury. Limi
of actions to six months. Publick act.

CAP. CX.

An act for supplying North Shields, and the shipping resorting th with water.

Proprietors; Edward Hall of Whitley, in the parish Tinn
William Watson, William Taylor, Richard Armstrong, ohn R
and George Rippon, of North Shields, brewers, incorporated t
name of the Company of Proprietors of the North Shields waterw
Their powers to enter on lands belonging to the duke of Northu
land, in the manors of Tinmouth or Tinmouthshire, or either of
to dig and search for springs of water, and to convey such water
thence, and from a spring arising in Whitley limestone quarry,
town of North Shields, &c. and to make water courses, &c. ov
lands they think necessary, and to make reservoirs, &c. for keepin
water; and to dig up the roads, streets, &c. and lay pipes, and p
cocks, etc. and to alter the same as necessary; doing as little d
as may be; and no building, yard, orchard, garden, planted walk,
or avenue to any house, to be entered without consent of the
er. No person to be restrained from supplying the town as here
etc. or the village of Cullercoats, from being supplied from N
Well, or the spring in Whitley limestone quarry; and not to ma
reservoir on the west side of the road from the north-west end of N
Shields to Preston, without consent of the owner of lands, etc.
habitants desirous of having the water laid into their houses, may
pipes to communicate with the company's pipes. Penalty on
pipes, etc. without the consent of the company, 20s. a day while
remain. No inhabitant of the town to be supplied by a separate
from a reservoir, but only by the common main pipe. Penalty or
sons interrupting or injuring the works, 10l. and to make goo
damages. No action for damage occasioned by working any co
The duke of Northumberland to have a seventh part of the pro
the undertaking, in consideration of permitting the company t
water from his lands, etc. to be paid the 1st Monday in March,
Company to keep accounts of their receipts and disbursements,
may be inspected by the duke, and his agents. The duke not
deemed a partner, or subjected to any expence of the undert
Satisfaction to be made for damage to lands, etc. held by lease
the duke, and to the proprietors of other lands; or to be settled
quarter sessions, by jury, in 12 months after damage, on notic
Undertaking vested in the proprietors, and they are to bear the
ces in equal shares. Company impowered to borrow money, to
out on the undertaking, at interest, on mortgage. Interest of th
ney borrowed to be paid in preference to any dividends to the com
All acts of the company may be done by the major part. Recov
penalties above 10l. by action, etc. and under 10l. by distress
Appeal, in six months, to the general quarter sessions. Limitati